

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN A. AVERY,

Plaintiff,

vs.

Case No. 04-C-0986

MANITOWOC COUNTY,
THOMAS H. KOCOUREK, and
DENIS R. VOGEL,

Defendants.

ORDER

Based upon the stipulation of the parties:

IT IS HEREBY ORDERED that the parties' proposed discovery plan set forth in paragraph D in the parties' Joint Rule 26(f) report be and the same hereby is modified as follows:

1. The parties agree that all action in the above captioned matter shall be stayed until February 1, 2006.
2. Fact discovery regarding liability issues shall be completed on or before April 3, 2006.
3. On or before April 10, 2006, plaintiff shall declare whether expert testimony will be presented in support of his claims with regard to liability (the identity of any experts need not be disclosed, but the fact that expert testimony will be utilized shall be declared). If the plaintiff declares he will not present expert testimony, then on or before April 17, 2005, defendants shall declare whether expert testimony will be presented in

support of their defenses with regard to liability. If no party declares his or its intent to use expert witnesses on any of the liability issues, then motions for summary judgment on the liability issues shall be filed on or before May 17, 2006.

4. Expert witness disclosures.

a. If plaintiff declares that he will present expert testimony, plaintiff shall have until May 10, 2006, within which to disclose experts and provide expert reports as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure. Thereafter, defendants shall have until July 10, 2006, within which to disclose experts and provide expert reports. Expert witness depositions shall be completed by the parties on or before September 10, 2006.

b. If plaintiff declares that he will not present expert testimony, on or before April 17, 2006, defendants shall declare whether expert testimony will be presented in support of their defenses with regard to liability. If defendants declare that they will present expert testimony, defendants shall have until May 17, 2006, within which to disclose experts and provide expert reports as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure. Thereafter, plaintiff shall have until July 17, 2006, within which to disclose experts and provide expert reports. Expert witness depositions will be conducted by the parties on or before September 17, 2006.

5. If any of the parties have used expert witnesses on any of the liability issues, then motions for summary judgment on liability issues shall be filed on or before October 17, 2006.

6. The remaining provisions of the Joint Rule 26(f) report remain unchanged by this stipulation.

Dated this _____ day of December, 2005.

BY THE COURT:

Hon. Lynn S. Adelman