

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.

STIPULATION

IT IS HEREBY STIPULATED by and between the undersigned that the court enter an order modifying the parties' proposed discovery plan set forth in paragraph D in the parties' Joint Rule 26(f) report 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 1st day of December, 2005.

Glynn, Fitzgerald and Albee, S.C.
526 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 221-9600

/s/ Stephen M. Glynn
Stephen M. Glynn
State Bar No. 1013103
Attorney for Plaintiff

Hawks Quindel Ehlke & Perry, S.C.
700 West Michigan Avenue, Suite 400
P.O. Box 442
Milwaukee, WI 53201-0442
(414) 271-8650

/s/ Walter F. Kelly
Walter F. Kelly
State Bar No. 1012283
Attorney for Plaintiff

Crivello, Carlson & Mentkowski, S.C.
710 North Plankinton Avenue
Milwaukee, WI 53203
(414) 271-7722

/s/ Amy J. Doyle
Raymond J. Pollen
State Bar No. 1000036
Amy J. Doyle
State Bar No. 1001333
Attorneys for Defendants, Thomas H.
Kocourek and Manitowoc County

Boardman, Suhr, Curry & Field LLP
One South Pinckney Street
P.O. Box 927
Madison, WI 53701-0927
(608) 257-9521

/s/ Amanda J. Kaiser
Claude J. Covelli
State Bar No. 1014833
Amanda J. Kaiser
State Bar No. 1006584
Attorneys for Defendants, Dennis R.
Vogel and Manitowoc County

Nash, Spindler, Dean & Grimstad
201 East Waldo Boulevard
Manitowoc, WI 54220
(920) 684-3321

/s/ John F. Mayer
John F. Mayer
State Bar No. 1017384
Attorney for Defendant
Thomas H. Kocourek

Bascom, Budish & Ceman, S.C.
2600 North Mayfair Road,
Suite 1140
Wauwatosa, WI 53226
(414) 476-0800

/s/ Timothy A. Bascom
Timothy A. Bascom
State Bar No. 1010017
Attorney for Defendant
Manitowoc County

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