

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWIN C. WEST,

Plaintiff,

v.

ORDER

04-C-211-C

STEVE HAMILTON, AMY WYTENBACH,
DENNIS SNYDER and
DARLENE HEIMERMANN-RAMSEY,

Defendants.

On September 7, 2004 I entered a discovery order granting the defendant's motion for protection and denying the plaintiff's motion to compel. (Dkt. 35). Plaintiff saw this as a stake through the heart of his case, so on September 17, 2004 he moved for voluntary dismissal. (Dkt. 36). On September 27, 2004, the court granted the motion. On September 28, this court received plaintiff's September 21 motion to withdraw his motion for voluntary dismissal (dkt. 39) and September 27 motion to modify the protective order (dkt. 40). On September 30, the court clarified its order (dkt. 41), which prompted defendant to move on October 18, 2004 to reopen his case and reschedule the remaining dates (dkt. 42). On October 27, 2004 the court agreed to re-open this case and directed me to review the protective order and plaintiff's motion to modify it. (Dkt. 43). Defendants have not responded to the re-animated motion to modify the protective order, perhaps waiting for a briefing schedule which was not sent because the court defaulted to its five-day response rule.

At this point, I am inclined to grant the motion to modify but I am not inclined to reschedule the remaining dates in this case.

In granting defendants' motion for protection, I did require the production of certain information, albeit with identifying information redacted. Plaintiff now asks for disclosure of information (the "Tactics and Barriers each patient was using during each Corrective thinking Card") which he claims is a discrete subset of the information already provided. So long as such information can be provided without seriously jeopardizing the anonymity of the other patients, I will require it disclosed. It appears to be relevant to plaintiff's claims and there appears to be adequate protection of the other patients' privacy rights. If defendants can establish otherwise with particularity, then they may request reconsideration, but they would have to do so within 3 working days of receiving this order so that we get this case moving again.

That said, I am not convinced at this juncture that we need to rework the schedule. The most important dates remaining in this case are as follow:

Disclosure of Expert Witnesses: Plaintiff: November 12, 2004; Defendants: December 17, 2004.

Deadline for Filing Dispositive Motions: January 7, 2005.

Discovery Cutoff: April 29, 2005.

Trial: May 31, 2005.

Obviously, plaintiff is jammed up on the expert disclosure deadline, but every other date still is distant enough to remain viable. Upon a showing by plaintiff that he has an actual need for an expert, that he has worked diligently prior to now to obtain one, and that he has an actual

chance of obtaining an expert before the summary judgment deadline in January, I will extend his expert disclosure deadline (and extend defendants' disclosure deadline commensurately).

ORDER

It is ORDERED that:

1) Plaintiff's motion for reconsideration is GRANTED. Defendants must provide the requested information regarding "Tactics and Barriers" in an appropriately anonymous and stipulated format not later than November 24, 2004.

2) Plaintiff's motion to reschedule this case is DENIED.

Entered this 12th day of November, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge