

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

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GARRY A. BORZYCH,

Plaintiff,

v.

MATTHEW J. FRANK, STEVE  
CASPERSON, ANA M. BOATWRIGHT,  
GERALD BERGE, GARY BOUGHTON,  
PETER HUIBREGTSE, RICHARD  
RAEMISCH, SGT. JUDITH HUIBREGTSE,  
CPT. LEBBEUS BROWN, ELLEN RAY and  
TODD OVERBO,

Defendants.  
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ORDER

04-C-632-C

Plaintiff Garry Borzych has moved for an order preliminarily enjoining defendants from refusing to allow him to have in his possession Temple of Wotan, Creed of Iron and NPKA Book of Blotar, which plaintiff contends are texts essential to his religious practice of Odinism. On December 21, 2004, the clerk established a schedule for briefing the motion for a preliminary injunction. Pursuant to this schedule, defendants have until January 11, 2005, in which to oppose the motion and plaintiff has until January 21, 2005 in which to serve and file a reply. Now defendants have moved to stay any further proceedings in this

action pending resolution of a case raising the same claim, Lindell v. Casperson, 02-C-473-C.

Distilling defendants' argument in support of the motion for a stay, I understand them to be contending that Borzych is nothing more than a puppet for Nathaniel Lindell, who has exhausted his legal loan money and is using Borzych's money and Borzych's lawsuit to advance his own interests and potentially obtain discovery beyond the limits set in Lindell's case raising the identical claim. Although it is apparent from the filings in the Borzych case that Lindell and Borzych are working together on identical issues, defendants have provided no evidence to suggest that Borzych does not genuinely practice Odinism or have any real interest in obtaining the texts he seeks in his motion for a preliminary injunction.

As for defendants' argument that Lindell is gaming the system, I am not persuaded that Lindell stands as much to gain from assisting Borzych with his case as defendants think he does. The parties in the Lindell case are presently briefing cross motions for summary judgment. These motions will be ripe for decision on January 28, 2005. Defendants have already supported their motion with what I suspect is the bulk of the evidentiary matter that they will choose to file in opposition to plaintiff Borzych's motion for a preliminary injunction. Defendants should suffer no great hardship by having to file those documents twice. Moreover, there is no indication that Borzych has undertaken any discovery in this case yet, much less discovery designed to exceed the limits of discovery imposed in Lindell's

case. In any event, the Lindell suit has progressed too far for Lindell to benefit from Borzych's discovery or his money. Because I am not persuaded that this case should be stayed pending resolution of Lindell's case, defendants' motion will be denied.

ORDER

IT IS ORDERED that defendants' motion for a stay of this action pending resolution of Lindell v. Casperson, 02-C-473-C is DENIED.

Entered this 29th day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge