

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

AARON A. KREILKAMP,

Plaintiff,

v.

ROUNDY'S, INC.,

Defendant.

ORDER

05-C-425-C

Plaintiff has filed a motion dated November 19, 2005, which is nearly identical to the motion he filed on November 15, 2005, asking for an order prohibiting defendant's lawyer from attempting to talk with a Mr. Nelson about plaintiff's case. The second motion appears to have crossed in the mail with this court's order of November 21, 2005. In that order, I construed plaintiff's motion as one for a protective order and denied it on the ground that court intervention is not necessary under the circumstances plaintiff describes. I will repeat here, one party to a lawsuit cannot obtain a protective order to prohibit the opposing party from interviewing potential witnesses about matters pertaining to a lawsuit. If Mr. Nelson does not wish to speak informally to defendant's counsel, he has the right to decline to meet with her. In that case, if defense counsel wishes to pursue the matter, she

is free to subpoena Mr. Nelson for deposition and give advance notice of the planned deposition to plaintiff in accordance with Fed. R. Civ. P. 30 so that he can be present during questioning and ask Mr. Nelson questions of his own. However, because plaintiff has made no showing that defendant's lawyer is engaging in conduct requiring a protective order, his motion must be denied.

ORDER

IT IS ORDERED that plaintiff's second motion to amend his complaint, which I construe as a motion for a protective order pursuant to Fed. R. Civ. P. 26(c), is DENIED.

Entered this 30th day of November, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge