

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

CRAIG AMIN,

Plaintiff,

v.

LOYOLA UNIVERSITY CHICAGO,

Defendant.

ORDER

05-C-543-C

On November 28, 2005, plaintiff Craig Amin filed a motion to amend the preliminary pretrial conference order. I address each of his requests in turn:

Plaintiff first asks to move the deadline for amending his complaint from December 19, 2005 to December 30, 2005 or later because of defendant's pending motion to dismiss or transfer venue. Plaintiff does not indicate whether he anticipates amending at this time; if he survives the motion to dismiss or transfer and has amendments he would like to offer, he may seek leave to do so. In determining whether to grant leave, the court will take into account the fact that a motion to dismiss was being briefed in November.

Plaintiff objects to the expert witness disclosure deadlines, seeking to move them into April. The expert witness disclosure deadlines intentionally precede the February 24, 2006 summary judgment deadline. Accordingly, they are not moving.

Plaintiff opines that the schedule to file motions for summary judgment at this stage of the litigation may be premature or a moot issue. The date will stand; whether it becomes moot remains to be seen. In the event either side files a motion for summary judgment that complies with this court's procedures, the court will decide the motion according to the applicable law and rules.

Plaintiff points out that on page 9 of the preliminary pretrial conference order there is reference to putting a response "in the mailstream at the prison" within five calendar days. The court's failure to redact from its non-prisoner pro se order instructions applicable only to prisoner pro se litigants is an error and the court regrets any concern this caused plaintiff. Plaintiff's concern about the conditional sentence in the "notice regarding the telephonic preliminary pretrial conference" will not be changed: because plaintiff is not incarcerated, obviously the condition stated does not apply to him.

Plaintiff suggests that the court could schedule conferences deemed necessary to bring efficient and appropriate progression of this case until trial if the parties cannot come to complete resolution or agreement. If additional conferences or hearings are needed, the court will schedule them.

Plaintiff states that he does not consent to automatic waiver of bifurcation of issues of liability and damages. Because this is a bench trial on an ERISA claim, plaintiff's concerns

are unwarranted. The trial judge can and will compartmentalize issues of liability and damages so that formal bifurcation is not necessary.

Entered this 29th day of November, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge