

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

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BRENDA MOMBOURQUETTE,  
by her guardian TAMMY MOMBOURQUETTE,  
E.S. (a minor), and C.S. (a minor),  
WISCONSIN DEPARTMENT  
OF HEALTH AND FAMILY SERVICES

ORDER

Plaintiffs,

05-C-748-C

v.

CHARLES AMUNDSON, Individually  
in his supervisory capacity, JEANNE REINART, Individually,  
CANDACE WARNER, Individually, DAVID SCHALDACH,<sup>1</sup>  
Individually, SANDIE WEGNER, Individually, ANNA  
JANUSHESKE, Individually, MIKE WILDES, Individually,  
JANITA LEIS, Individually, SUE WIEMAN, Individually,  
and PATRICIA FISH, Individually,

Defendants.

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Defendant David Schaldach has filed a “motion in limine,” in which he seeks to exclude evidence that he had sexual contact with the cell mate of plaintiff Brenda Mombourquette while she was incarcerated in the Monroe County jail. Plaintiff argues that

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<sup>1</sup> This party’s name appears in the amended complaint as “David Shaldach.” Defendant Schaldach has informed the court of the proper spelling of his name and I have amended the caption accordingly.

this conduct is relevant because she reported it to other prison staff, giving Schaldach a motive to refrain from helping plaintiff when she attempted to kill herself.

In a letter to the court, defendant Schaldach renews his request for a hearing on his pending motion in limine, but I am not persuaded that a hearing would be helpful at this time. Because defendant Schaldach's motion is intertwined with the pending motions for summary judgment, it should be decided in the context of those motions. Ruling on the motion in isolation could lead to an opinion that is advisory and not fully informed. If the motion in limine is not resolved by the motions for summary judgment, I will promptly schedule a hearing if it appears that is the most appropriate course of action.

#### ORDER

IT IS ORDERED that defendant David Schaldach's motion for a hearing on his motion in limine is DENIED.

Entered this 27th day of December, 2006.

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