

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

STEVEN E. HAINES, JULIETTE M. HAINES
and WILLIAM B. HAINES by his guardian
ad litem ATTORNEY MICHAEL A. SCHUMACHER,

Plaintiffs,

ORDER
06-c-095-S

and

BURNETT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
and GROUP HEALTH COOPERATIVE OF EAU CLAIRE,

Nominal Plaintiffs,

v.

NELSON TREE SERVICE, INC. And
SCHMIDY'S MACHINERY COMPANY,

Defendants.

Plaintiffs' motion for sanctions against defendant Schmidy's Machinery Company and DEF Insurance Company (Auto-Owners Insurance Company) came on to be heard before the Court in the above entitled matter on May 24, 2006, the plaintiffs having appeared by Guelzow Law Offices by Scott Winston; defendants Schmidy's Machinery Company and Auto-Owners Insurance Company by Reding & Pilney by Andrew Brown; defendant Nelson Tree Service by Stilp & Cotton by Gregg T. Heidenreich. Honorable John C. Shabaz, District Judge, presided.

Accordingly,

ORDER

IT IS ORDERED that plaintiffs' motion for sanctions against defendant Schmidy's Machinery Company is PARTIALLY GRANTED.

IT IS FURTHER ORDERED that costs to include reasonable attorney's fees are AWARDED to plaintiffs as they relate to the failure to timely provide discovery of document nos. 7, 8, 27, 30, 31 and 32.

IT IS FURTHER ORDERED that plaintiffs may provide itemization of costs and attorney's fees not later than May 31, 2006; defendant Schmidy's Machinery Company may respond not later than seven days from receipt thereof; and plaintiffs may reply not later than three days from receipt of response.

IT IS FURTHER ORDERED that the Court may address that additional discovery which has not been provided to date where appropriately itemized by plaintiffs.

Entered this 24th day of May, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge