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

JONATHAN L. LIEBZEIT,

                        Plaintiff,   ORDER

    v.

MICHAEL THURMER and SAM APPAU,   10-cv-170-slc

                       Defendants.

Defendants seek permission to file a second motion for summary judgment on the sole remaining claim in this case, that defendants violated plaintiff's rights under the free exercise by prohibiting him from wearing or possessing a hlath, a religious head garment for Odinists like plaintiff. In an order dated June 30, 2011, dkt. 140, I informed defendants that I would grant this request only if they agreed to concede for the purpose of this case that plaintiff's sincerely held religious beliefs were substantially burdened by his inability to wear a hlath. In their response to the order, defendants make this concession. *See* dkt. 145 ("[T]he defendants, Sam Appau and Michael Thurmer, advise the Court that they will concede that plaintiff's sincere religious beliefs were substantially burdened by his inability to wear a hlath."). Accordingly, I am striking the trial date and all pretrial deadlines and setting a new schedule for summary judgment. If defendants are not successful on their summary judgment motion, I will set a new trial date.

ORDER

It is ORDERED that:

(1)   Defendants' motion for leave to file a second motion for summary judgment, dkt. 132, is GRANTED.

(2)   *Both* sides may have until August 22, 2011, to file a motion for summary judgment with respect to plaintiff's claim that defendants violated his rights under the free exercise clause by refusing to allow him to wear a hlath. Each side will have 28 days to respond to its opponent's motion, with replies due 10 days thereafter.

(3)   The trial date in this case is STRICKEN as are all pretrial deadlines in the preliminary pretrial conference order and the trial preparation order. If necessary, the court will set new deadlines after resolving the summary judgment motions.

Entered this 7th day of July, 2011.

                              BY THE COURT:

                              /s/

                              STEPHEN L. CROCKER
                              Magistrate Judge