

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

CHRIS BORRESON and
SHANE MOSEL

PRETRIAL CONFERENCE
ORDER

Plaintiffs,

10-cv-521-bbc

v.

AL SCHUMACHER and
THE CITY OF MADISON,

Defendants.

A final pretrial conference was held in this case on January 12, 2012, before United States District Judge Barbara B. Crabb. Plaintiffs appeared by Paul Kinne and Victoria Karcher. Defendants appeared by Steven Zach and Patricia Lawton.

Counsel predicted that the case would take 4 days to try. They understand that trial days will begin at 9:00 and will run until 5:30, with at least an hour for lunch, a short break in the morning and another in the afternoon. Counsel agreed to move the trial to the week of February 27, 2012, to accommodate the criminal trial in U.S. v. Danh, 11-cr-21-bbc, also scheduled for the week of January 30, 2012. They believe that they will settle Sarbacker v.

Schumacher, 10-cv-522-bbc, now scheduled for the week of February 27, once they know the results of this case.

Counsel agreed to the voir dire questions in the form distributed to them at the conference. The jury will consist of eight jurors to be selected from a qualified panel of fourteen. Each side will exercise three peremptory challenges against the panel. Before counsel give their opening statements, the court will give the jury introductory instructions on the way in which the trial will proceed and their responsibilities as jurors.

Counsel agreed that with the exception of experts, all witnesses would be sequestered. Counsel are either familiar with the court's visual presentation system or will make arrangements with the clerk for instruction on the system.

No later than noon on the Friday before trial, plaintiffs' counsel will advise defendants' counsel of the witnesses plaintiffs will be calling on Monday and the order in which they will be called. Counsel should give similar advice at the end of each trial day; defendants' counsel shall have the same responsibility in advance of defendants' case. Also, no later than noon on the Friday before trial, counsel shall meet to agree on any exhibits that either side wishes to use in opening statements. Any disputes over the use of exhibits are to be raised with the court before the start of opening statements.

Counsel should use the microphones at all times and address the bench with all objections. If counsel need to consult with one another, they should ask for permission to

do so. Only the lawyer questioning a particular witness may raise objections to questions put to the witness by the opposing party and argue the objection at any bench conference.

Counsel are to provide copies of documentary evidence to the court before the start of the first day of trial.

Counsel discussed the form of the verdict and the instructions on liability. Final decisions on the instructions and form of verdict will be made at the instruction conference once all the evidence on liability is in.

Entered this 13th day of January, 2012.

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