

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

- - - - -

LORENZO SOLVANO BALLI,

Plaintiff,

v.

ORDER

10-cv-67-bbc

WISCONSIN DEPARTMENT OF CORRECTIONS;
RICK RAEMISCH; AMY SMITH;
JIM GREER; DAVID BERNETT;
GREGORY GRAMS; MARC CLEMENTS;
JANEL NICKLE; DYLAN RADTKE;
LIEUTENANT BERKEBILL; LIEUTENANT LANE;
LIEUTENANT KELLER; MARTHA BREEN;
KURT SCHWEBKE; ANDREA NELSON;
RYAN TOBIASZ; LORI ALSUM;
DAILIA SUILENE; STEVE HELGERSON, RN;
NANCY HAHNISCH, RN; DARCI BURRESON, RN;
KIM CAMPBELL, RN; SHAWNA ELDER-HALL, NA;
NURSE JOHN DOES 1 AND 2;
NURSE JANE DOES 1 AND 2;
DAVID LAPINSKI; MARY LIESER;
SERGEANT KOTTKA; SERGEANT MORRISON,
SERGEANT JOHN DOES 1 AND 2;
PRISON GUARD HOOPER;
PRISON GUARD SCHREFNGAEL;
PRISON GUARD WITTERHOLT;
PRISON GUARD PULVER; PRISON GUARD ARMSON,
PRISON GUARD ISSACSON,
PRISON GUARD POPE, PRISON GUARD SWENSON,
PRISON GUARD TRIMBLE,
JOHN DOES 1 THROUGH 20 (All John and
Jane Does shall be named after discovery by
Amended Complaint);

All Defendants are sued in their individual and official capacities;

Defendants.

- - - - -

In a March 25, 2010 order, I stayed proceedings in this case in order to locate a lawyer to represent plaintiff Lorenzo Balli for the limited purposes of determining (1) whether plaintiff wished to continue with the case; (2) if he did, which claims he wished to pursue under this case number; and (3) whether the lawyer and plaintiff could agree to have the lawyer represent plaintiff beyond these limited investigatory purposes. In a May 24, 2010 order, I appointed Emily J. Lee and Sarah C. Walkenhorst to represent plaintiff for these limited purposes.

Now, after consulting with plaintiff, Lee and Walkenhorst, along with Timothy W. Burns, state that they have agreed to represent plaintiff on the claims identified as Lawsuit #3 in the court's March 9, 2010 order, and ask to be appointed by the court for that purpose. Further, plaintiff has agreed to voluntarily dismiss without prejudice the claims identified as Lawsuits ##1-2 and 4-7. Finally, plaintiff asks for a deadline of September 3, 2010, in which to submit an amended complaint in this action. I will grant these requests.

As I have already discussed in the May 24 order, going forward plaintiff must work directly with his lawyers and permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form.

Plaintiff will not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them, and he should understand that it is unlikely that this court will appoint another lawyer to represent him should plaintiff choose not to work with these appointed lawyers.

ORDER

IT IS ORDERED that

1. Timothy W. Burns, Emily J. Lee and Sarah C. Walkenhorst are appointed to represent plaintiff Lorenzo Solvano Balli for the remainder of this case, including all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and insuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

2. Plaintiff will have until September 3, 2010, in which to submit an amended complaint concerning the claims identified as Lawsuit #3.

3. Plaintiff's notice of voluntary dismissal regarding the claims identified as Lawsuits ##1-2 and 4-7 is ACCEPTED and those claims are DISMISSED without prejudice to his

filing new lawsuits at a future date.

Entered this 23d day of July, 2010.

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