

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

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CITIZENS COMMUNITY  
FEDERAL,

Plaintiff,

FINAL PRETRIAL CONFERENCE  
ORDER

12-cv-648-bbc

v.

SILVER, FREEDMAN & TAFF, L.L.P.,  
BARRY P. TAFF, P.C. and NANCY  
M. STILES, P.C.,

Defendants.

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A final pretrial conference was held in this case on April 10, 2013 before United States District Judge Barbara B. Crabb. Plaintiff appeared by Christopher Banaszak and Tim Lecher. Defendants appeared by Grace Kulkoski. Terry Johnson participated by telephone.

Counsel predicted that the case would take no more than 5 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 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. After the jury is selected, the court will read the introductory instructions to the jury.

Counsel agreed there was not need to sequester the witnesses. Counsel have made arrangements to learn the court's visual presentation system.

No later than noon on Friday, April 18, 2013, plaintiff's counsel will advise defendants' counsel of the witnesses plaintiff will be calling on Monday and the order in which they will be called. Counsel are to give similar advice at the end of each trial day; defendant's counsel shall have the same responsibility in advance of defendant's case. Also, no later than noon on April 18, 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.

If counsel call the opposing party's witnesses as adverse witnesses, counsel for the opposing party may choose whether to ask only clarifying questions of the witness and call the witness in its own case or do all its questioning during its opponent's case, in which case

the party calling the witness will have an opportunity to ask additional questions. If counsel choose the first option, they may be free to call the witness during their case. Counsel have the same two options as to any adverse witness; they are not bound by their decision on questioning any previous witness.

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. Counsel will consider whether it is necessary to show the law firm on the verdict or to refer to it at trial. Defendants believe that the statute of limitations still provides them a defense because plaintiff discovered the omission from the contract in 2009, although it is not clear when the claim accrued. They also intend to argue that plaintiff lacked good cause to fire Cooley, which if true, would tend to show that defendants' alleged negligence was irrelevant. Defendants have not submitted a proposed special verdict question or instructions on this theory. If they intend to pursue the point, they should file a proposed special verdict question and instructions no later than noon on Friday, April 18, 2014.

Final decisions on the instructions and form of verdict will be made at the instruction

conference at the close of evidence.

Entered this 10th day of April, 2014.

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