

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

SCOTT BOEHM and DAVID STLUKA,

Plaintiffs,

v.

OPINION & ORDER

14-cv-16-jdp

DAN ZIMPRICH; CIARA ZIMPRICH;
LEGENDS OF THE FIELD, LLC;
SPORTS PLUS, LLC; GAMEDAY SPORTS;
and RICHARD MONCHER;

Defendants,

and

AMERICAL FAMILY MUTUAL INSURANCE COMPANY;
and ACUITY, A MUTUAL INSURANCE COMPANY,

Intervening Defendants.

ACUITY, A Mutual Insurance Company, has filed a motion to intervene under Federal Rule of Civil Procedure 24, seeking to participate in the action to obtain a post-verdict judicial determination regarding its duty to indemnify defendant Sports Plus, LLC.

Defense of this matter was tendered to ACUITY more than 60 days ago, and ACUITY's delay at this late stage of the proceedings would ordinarily militate strongly against allowing intervention. But ACUITY assures the court that it is not seeking to delay the proceedings by seeking bifurcation or a stay. ACUITY asks only for the opportunity to participate in framing the special verdict to facilitate the coverage determination which it will present post-verdict.

Because the motion is unopposed and ACUITY's limited participation would not derail the case, the court will grant its motion to intervene, with the proviso that ACUITY's role will be to participate in the framing of the verdict form. ACUITY will not be allowed to conduct

discovery, or otherwise participate the litigation without specific advance approval of the court.

Entered this 2nd day of October, 2014.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge