

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

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PHYLLIS JOHNSON,

Plaintiff,

ORDER

v.

10-cv-426-wmc

MERITER HEALTH SERVICES  
EMPLOYEE RETIREMENT PLAN and  
MERITER HEALTH SERVICES, INC.,

Defendants.

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The court held a telephonic conference at which the parties appeared by counsel to discuss the upcoming trial, address two of the pending motions, and establish additional deadlines for pre-trial submissions. Consistent with that call,

IT IS ORDERED THAT:

1. On or before May 23, 2014, each side shall submit recommendations of three actuaries or equally qualified experts in benefit plan administration to act as a neutral, court-appointed expert and also designate one of those three or another expert the court could contact for guidance in selecting a neutral, court-appointed expert. If the parties are able to agree on a neutral expert, the court would welcome that submission in the alternative.
2. The court will schedule a hearing one week after issuing its opinion on the pending motions for summary judgment. The court expects to issue that opinion on or before June 30, 2014.
3. Defendants' motion for leave to file amendment to answer (dkt. #359) is GRANTED.
4. Defendants' motion to strike testimony of Lawrence Deutsch (dkt. #360) is GRANTED IN PART AND DENIED IN PART as set forth by the court in its oral ruling during the conference today.
5. The trial will commence as scheduled on July 28, 2014, and will only address issues related to liability. The court anticipates that the trial will take two weeks and will conclude in any event no later than August 15, 2014.

6. The court amends its earlier scheduling order and the court's standard order on trials to the bench as follows:
  - (a) on or before July 11, 2014, plaintiffs' proposed findings of facts are due;
  - (b) on or before July 18, 2014, defendants' responses to plaintiffs' proposed findings of facts and any additional findings are due; and
  - (c) on or before July 23, 2014, the parties' trial briefs are due.
7. The court will hold a final pretrial conference at 2:00 p.m. on July 24, 2014. Counsel should confer to determine whether they prefer that this conference should be held in person or via teleconference. If not, it will be held telephonically.

Entered this 16th day of May, 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge