

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

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JOSEPH D. KOUTNIK,

Plaintiff,

v.

GERALD BERGE, JON E. LITSCHER,  
CAPTAIN LINJER and CAPTAIN BLACKBOURN,

Defendants.  
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ORDER

03-C-345-C

Plaintiff has moved to strike defendants' expert witness report and disallow the testimony of defendants' expert, Kurt A. Linjer. I understand plaintiff to be asking that the court disregard the facts defendants proposed in support of their motion for summary judgment that cite to Linjer's affidavit testimony.

I will reserve a decision on plaintiff's motion to strike until the time I decide defendants' motion for summary judgment. When he files his response to defendants' proposed findings of fact, plaintiff may object to each fact defendants propose in reliance on Linjer's testimony. However, to be on the safe side in the event plaintiff's motion to strike is denied, plaintiff should also respond to the proposed fact as though the testimony will be

allowed, either disputing the fact with factual evidence of his own or admitting the fact as undisputed.

IT IS ORDERED that a decision is STAYED on plaintiff's motion to strike defendants' expert witness report and disallow the testimony of defendants' expert, Kurt A. Linjer, until such time as the court rules on defendants' motion for summary judgment.

Entered this 6th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge