

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

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SHARON WALKER,

Plaintiff,

v.

BOARD OF REGENTS OF THE  
UNIVERSITY OF WISCONSIN SYSTEM  
and DAVID MARKEE, Chancellor of the  
University of Wisconsin-Platteville,

Defendants.  
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FINAL PRETRIAL  
CONFERENCE ORDER

03-C-66-C

A final pretrial conference was held in this case on January 15, 2004, before United States District Judge Barbara B. Crabb. Plaintiff was represented by David Rohrer, Ron Kotnik and Joanne Curry. Defendants were represented by Corey Finkelmeyer, Michael Losse, Tomas Stafford and Michael Bauer. Counsel approved the proposed voir dire questions in the form distributed to them at the conference. They approved the proposed special verdict for liability but had some questions about the proposed verdict for damages. We will take up the questions about the damages verdict after the liability phase of the trial has been completed.

Counsel know that the trial will run from 9:00 a.m. to 5:30 p.m. with an hour for lunch. They are aware that they have the obligation to advise their opponent of the witnesses they will be calling the following day. Plaintiff's counsel are to advise defendants' counsel no later than noon on Friday, January 30, 2004, of the witnesses they will be calling on Monday, February 2, 2004. Counsel agreed to talk about stipulations concerning a chancellor's right to fire at-will employees and concerning damages as they relate to fringe benefits.

As to the motions in limine, I ruled that I would not allow Brooks to testify and that I would allow Lydecker to testify only about what chancellors in general need or do not need in the way of compatible administrators, about the importance of involvement in the community and about chancellors' expectations of their administrators in general. She may not talk about Markee and Walker in particular because she has no personal knowledge of that situation. Kevin Emerick will not be allowed to testify so it is not necessary to address plaintiff's motion to exclude evidence of his subsequent employment history. Plaintiff's motion to exclude evidence of the reason for Culbertson's termination is DENIED as unnecessary unless Culbertson expands his testimony beyond his opinion of plaintiff as an effective manager. If he goes beyond the limits that I have set, defendants may be able to cross examine him about his termination in order to show bias. Defendants are not to ask any such questions unless they receive approval from the court before they ask the questions.

Defendants' motion to exclude statements by an employment agency is DENIED at this point. However, I will reconsider it before the damages trial. In the meantime, counsel may be able to stipulate to the reason plaintiff did not go back to the first employment agency she worked with. Defendants' motion to exclude plaintiff's statements that were dismissed on summary judgment is DENIED to the extent that the statements are relevant to her remaining claim for retaliation.

Defendants' motion to limit damages to events occurring before January 2004 is DENIED. Defendants' motion to exclude emotional distress damages is GRANTED. Plaintiff does not intend to introduce any such damages. Defendants' motion to exclude evidence of other lawsuits is GRANTED except with respect to the lawsuit filed by Shelly Till. Defendants' motion to exclude testimony about the hiring of James Mueller is DENIED. Defendants' motion to exclude Culbertson's opinion on Markee's reasonableness is GRANTED. Defendants' motion to exclude evidence of Michael Viney's performance is DENIED. Defendants' motion to exclude racially offensive e-mails is DENIED at this time. However, counsel are to consult further about the evidence of the e-mails to determine whether defendants have proof that Markee instigated an extensive investigation of the e-mails. If after these discussions, plaintiff persists in wanting to introduce the e-mails, I will allow defendants to bring in evidence of what Markee did to investigate the source of the e-mails. Defendants' motion to exclude statements of others is DENIED as too vague.

However, plaintiff's counsel are to advise defendants' counsel if there are any racially or sexually offensive statements that plaintiff intends to introduce at trial.

Entered this 23rd of January, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge