

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

EDWARD C. ANDERSON,

Plaintiff,

v.

TRANS UNION,

Defendant.

MEMORANDUM

05-C-0091-C

After this court granted summary judgment in defendant's favor, defendant filed a motion for an award of attorney fees and costs under 28 U.S.C. § 1927, alleging that plaintiff's attorney had multiplied the proceedings unreasonably and vexatiously. In response, plaintiff's counsel filed a motion pursuant to Fed. R. Civ. P. 11, contending that defendant's § 1927 motion was frivolous and subject to sanctions under the rule. Also, plaintiff's counsel gave defendant notice on December 27, 2005 that it had scheduled a deposition of defendant's counsel for December 30, 2005. The deposition notice prompted defendant to file a motion for a protective order, seeking relief from having to appear at a deposition on such short notice when no apparent need had been shown for the deposition.

Concerned that the matter was escalating rapidly and unnecessarily, I held a

telephone conference with Briane Pagel, counsel for plaintiff, and Robert Duff, counsel for defendant. After discussion with counsel, I ruled that the briefing schedule on the § 1927 motion would be held in abeyance; United States Magistrate Theresa Owens would hold a telephone conference with counsel for both parties in early January to explore the possibility of settling the matter of fees and costs: if the magistrate judge's efforts were unsuccessful, counsel were to meet informally and see whether they could agree on what documents plaintiff needed and defendant would turn over; if this informal meeting did not satisfy all of plaintiff's need for information, he was to file written discovery requests; and if these proved unsuccessful, then and only then could he come into court and ask permission to schedule a deposition of defendant's counsel on billing questions.

Entered this 30th day of December, 2005.

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