

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

EDUARDO M. PEREZ,

Plaintiff,

v.

BHS-DOC R/N SHARON ZUNKER,
in her personal and official capacities,

Defendant.

ORDER

05-C-711-C

A telephone hearing was held in this case on May 4, 2007, on the motion by Naikang Tsao and Jeffrey Simmons to withdraw as counsel for plaintiff before United States District Court Judge Barbara B. Crabb. Naikang Tsao and Jeffrey Simmons appeared, along with plaintiff Eduardo Perez and an interpreter.

After learning from Mr. Tsao and Mr. Simmons that their reason for filing their motion to withdraw as counsel for plaintiff was their concern that they could not represent plaintiff ethically and fulfill their duties as officers of the court, I gave plaintiff an opportunity to say whether he disagreed with the motion. Plaintiff did not deny that he and counsel have irreconcilable differences about their views of the evidence. He told the court

that he would like to have substitute counsel appointed, but I told him that was not a possibility, given the number of persons wishing representation in this court and the paucity of lawyers who are willing to provide such representation. Plaintiff continues to maintain that he is entitled to damages for pain that he has suffered in the ten years since he first needed surgery and his recent operation. He has talked with his counsel at length and understands why they are moving to withdraw but disagrees with their assessment of the case. Finally, plaintiff said that he would be willing to represent himself if he could prepare and submit his pleadings and filings in Spanish and have them translated by the court and if he could spend additional time in the law library.

I advised plaintiff that I would look into the possibility of having his papers translated but that I could not promise that this would happen. I also told plaintiff that whenever he had an order to file papers in the court or submit documents to the court, he would be able to show this order to the institution and secure additional time in the library under the institution's regular policies. Plaintiff said he understood these conditions.

Accordingly, I granted the motion of counsel to withdraw from their representation of plaintiff, conditioned on their completing arrangements with defendant's counsel for the return of documents turned over to plaintiff's counsel during discovery and needing redaction before they are released to plaintiff. Plaintiff has no objection to the redaction procedure in theory. If upon seeing the documents, he has any objections, he will be free to

raise them at that time.

Plaintiff understands that the deadline for filing a motion for summary judgment is May 25, 2007. If defendant files a motion on that date and plaintiff thinks he needs an additional week or two in which to respond to the motion, he may write to the court to request extra time.

ORDER

IT IS ORDERED that the motion filed by Naikang Tsao and Jeffrey Simmons to withdraw from their court-appointed representation of plaintiff Eduardo Perez is GRANTED on the condition that they complete the arrangements with defendant's counsel for the return of discovery materials.

Entered this 4th day of May, 2007.

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