

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

MARK MCCRAW,

Plaintiff,

ORDER
06-C-086-S

v.

LINDA S. MENSCH, LINDA S. MENSCH, P.C.
and ILLINOIS STATE BAR ASSOCIATION
MUTUAL INSURANCE COMPANY,

Defendants.

Motions came on to be heard by telephone in the above entitled matter on September 13, 2006, the plaintiff having appeared by Whyte Hirschboeck Dudek by Joseph S. Goode; defendants Mensch by Konicek & Dillion by Daniel F. Konicek; defendant Illinois State Bar Association Mutual Insurance Company by Pretzel & Stouffer by Robert Marc Chemers; movant Michael Aprahamian appeared in person and by Foley & Lardner by Eric L. Maassen. Honorable John C. Shabaz, District Judge, presided.

Accordingly,

ORDER

IT IS ORDERED that plaintiff's notice of motion and motion to strike expert report of Terry Johnson is DENIED.

IT IS FURTHER ORDERED that plaintiff may serve and file not later than September 22, 2006 a rebuttal expert report to which defendants may reply not later than 10 days thereafter.

Defendant Illinois State Bar Association Mutual Insurance Company has moved to file an amended answer and join additional parties for the purpose of declaratory judgment on insurance coverage. The issue is best resolved with all potential policy claimants before a single court, accordingly,

IT IS FURTHER ORDERED that said motion for leave to file an amended answer is GRANTED.

IT IS FURTHER ORDERED that dispositive motions relating to the claims contained therein may be served and filed not later than October 1, 2006; opposing party being given 10 days to respond and moving party 7 days from receipt of response to reply.

Motion of non-party Michael J. Aprahamian to quash subpoena is presently before the Court relating to damages sought by plaintiff for attorney's fees as a result of the first action. Should Michael Aprahamian become a witness he would be disqualified from representing plaintiffs in the state court trial. Defendants have already deposed the custodian of the billing records and obtained copies of said records. It appears the deposition is designed not to obtain additional relevant discovery, but to disadvantage the state court plaintiffs by disqualifying their lead counsel. There is nothing to suggest that the witness is the only source for that information which is allegedly requested. Enforcing the subpoena would impose an undue burden within the meaning of Rule 45(c) (3) (A) (iv) and the deposition would serve no useful function in discovery, accordingly,

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IT IS FURTHER ORDERED that Michael J. Aprahamian's motion to
quash subpoena is GRANTED.

Entered this 13th day of September, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge