

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

ALLAN BLOCK CORPORATION,

Plaintiff,

v.

COUNTY MATERIALS CORPORATION,

Defendant.

ORDER

06-cv-476-bbc

On April 1, 2008, this court held an unrecorded telephonic status and scheduling conference. Both sides were represented by counsel. In his appellate opinion affirming most of this court's work but remanding one portion for further action, Judge Posner labeled the parties "pertinacious antagonists." Living up to this billing, the parties cannot agree on the scope of the remand. Therefore, we shall proceed incrementally.

April 15, 2008 is the deadline for the parties to consent to transfer this case from Judge Crabb to me; the biggest draw would be to escape the toxic trial date of December 29, 2008, the only trial date available this year for Judge Crabb in a civil case.

Not later than May 9, 2008, defendant may file a brief outlining its view of what needs to be accomplished on remand, why the remand order allows it, and how we should proceed between now and trial. Plaintiff may have until May 23, 2008 to respond. I set a ten-page limit on the submissions; the parties should not feel obliged to use all ten pages.

I allowed 90 days for discovery, until June 30, 2008. In light of the dispute outlined in the previous paragraph however, I suggest that the parties wait to undertake discovery until after they get a ruling on the scope of the remand and the allowable activities before trial.

As noted above, jury selection and trial has been set for December 29, 2008 at 9:00 a.m. The parties are predicting two or three days for trial. The parties dispute whether liability still is in play or if this is a trial only on damages. Whether the court will allow summary judgment motions that may obviate the need for trial also is disputed by the parties. These disputes should be resolved by early June. The parties had no other matters to bring to the court's attention.

Entered this 1st day of April, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge