

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

JAMES J. FOSKETT, MARY CHRISTINE
FOSKETT and PHYSICIANS' BENEFITS
TRUST LIFE INSURANCE COMPANY,

Plaintiffs,

v.

ORDER

06-C-503-S

GREAT WOLF RESORTS, INC., GREAT
BEAR LODGE OF WISCONSIN DELLS, LLC,
GREAT LAKES SERVICES, LLC, NEUMAN
POOLS, INC., WATER TECHNOLOGY, INC.,
PROSLIDE TECHNOLOGY INC., LIBERTY
SURPLUS INSURANCE CORPORATION,
LEXINGTON INSURANCE COMPANY,

Defendants.

GREAT WOLF RESORTS, INC. and GREAT
BEAR LODGE OF WISCONSIN DELLS, LLC,

Defendants and Third-Party Plaintiffs,

v.

BLACK WOLF LODGE LLC, TALL PINES
RENTAL LLC, n/k/a J&A REAL ESTATE
VENTURE LLC, TALL PINES REALTY, LLC,
TALL PINES DEVELOPMENT OF
WISCONSIN DELLS, LLC, NEUMAN
POOLS, INC., WATER TECHNOLOGY, INC.,
ARCHITECTURAL DESIGN CONSULTANTS,
INC., PLANNING DESIGN BUILD, INC. and
PROSLIDE TECHNOLOGY, INC.

and

CINCINNATI INSURANCE COMPANY,

Intervening Plaintiff,

v.

WATER TECHNOLOGY, INC., NEUMAN
POOLS, INC., GREAT WOLF RESORTS,
INC., GREAT BEAR LODGE OF WISCONSIN
DELLS LLC, JAMES J. FOSKETT, MARY
CHRISTINE FOSKETT, PHYSICIANS'

BENEFITS TRUST LIFE INSURANCE
COMPANY, PROSLIDE TECHNOLOGY,
INC., LIBERTY SURPPLUS INSURANCE
CORPORATION, LEXINGTON INSURANCE
COMPANY, GREAT LAKES SERVICES,
LLC, BLACK WOLF LODGE, LLC, TALL
PINES RENTAL, LLC, n/k/a J&A REAL
ESTATE VENTURE LLC, TALL PINES
REALTY, LLC, TALL PINES
DEVELOPMENT OF WISCONSIN DELLS,
LLC, and ARCHITECTURAL DESIGN
CONSULTS, INC.,

Defendants in Intervention.

Plaintiffs' motion to quash subpoenas came on to be heard by telephone in the above entitled matter on March 7, 2007, the plaintiffs having appeared by Habush, Habush & Rottier, S.C. by Robert Habush and Virginia Antoine; intervening plaintiff Cincinnati Insurance appeared by Litchfield Cavo LLP by Kevin Davidson; defendants Great Wolf and Liberty Surplus appeared by Michael Best & Friedrich, LLP by Steve Means; defendant Water Technology, Inc. appeared by Pretzel & Stouffer by David Bennett; defendant Lexington Insurance appeared by Hinshaw & Culbertson by David Hanus; defendants Black Wolf Lodge, J&A Real Estate, and Tall Pines by Foley & Lardner by Allen A. Arntsen; defendant Tall Pines Development also appearing by Crivello, Carlson & Mentkowski by Nathan J. Bayer; and defendant Architectural Design Consultants, Inc. having appeared by Melli, Walker, Pease & Ruhly, S.C. by Jenifer L. Kraemer. Honorable John C. Shabaz, District Judge, presided.

The Court has determined that the documents and other related discovery defined and sought may become relevant at trial.

Accordingly,

ORDER

IT IS ORDERED that the motion of plaintiffs to quash subpoenas is DENIED.

IT IS FURTHER ORDERED that other related testimony and like documents shall be deemed confidential pending trial. The discovery may be provided to defendants' experts for the purpose of this litigation only and no other purpose, the expert witnesses to certify and agree to this limitation before obtaining access.

Entered this 7th day of March, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge