

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

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DENNIS STRONG,

Plaintiff,

v.

STATE OF WISCONSIN, *et al.*

Defendants.

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ORDER

07-C-086-C

On July 2, 2007, the law firm representing defendant Kelly A. Vitense moved to withdraw as counsel, reporting that the State of Wisconsin had declared that it no longer would pay the law firm's bills because the state had no duty to defend or indemnify Vitense. *See* dkt. 36-37. On July 5, 2007, this court stayed discovery pending a decision on this motion, mainly to preserve the status quo in light of plaintiff's motion for permission to perform destructive testing (dkt. 34). *See* dkt. 38. On July 9, 2007, plaintiff announced that he wished to be heard in opposition to counsel's motion to withdraw. *See* dkt. 39.

At an impromptu telephonic hearing with Vitense, her attorney Amy Tutwiler and plaintiff's attorney Paul A. Kinney, I stayed any action on the motion to withdraw pending briefing.<sup>1</sup> Plaintiff, and any other party who opposes the motion, must file and serve their written opposition not later than July 13, 2007, including an explanation why that party has standing to be heard on this issue. Any party wishing to reply to the opposition brief(s) must

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<sup>1</sup> Lest other counsel feel left out, I had scheduled the hearing with Vitense and Attorney Tutwiler in order to grant the motion to withdraw and to explain to Vitense what her options were. About 20 minutes before this hearing Attorney Kinney e-filed his announcement of opposition. I included Kinney in the phone call in order to announce that the court would stay a ruling on the motion to withdraw pending briefing by anyone who wished to be heard.

file and serve any reply not later than July 20, 2007. Same day service is required. The court does not anticipate allowing a surreply but will do whatever justice requires.

*All* discovery remains stayed pending further court order.

Entered this 9<sup>th</sup> day of July, 2007.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge