

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

DENNIS STRONG,

Plaintiff,

v.

STATE OF WISCONSIN, *et al.*

Defendants.

ORDER

07-C-086-C

Before the court is a letter from plaintiff's counsel asking the court to clarify whether plaintiff may proceed with destructive testing of a hair allegedly obtained from defendant Vitense, and whether plaintiff's expert disclosure deadline was moving. *See* dkt. 52. The answers are yes, and no.

On July 12, 2007, this court allowed Vitense's attorneys to withdraw, then it suspended all discovery related to Vitense until the court decided the state's request for a declaration that it has no duty to defend or indemnify Vitense in this lawsuit. *See* dkts. 47 and 49. The state's motion will be under advisal as of August 30, 2007.

The court's main concern when staying discovery was to protect Vitense from additional deposition, interrogatories, requests for admissions and the like, until it was clear whether the court would require the state to resume her defense. The court is not so concerned with plaintiff's destructive testing of the hair, because this issue previously was briefed by the parties and decided by the court when Vitense still was represented by counsel.

Therefore, plaintiff may proceed with this testing. For now, his August 31, 2007 expert disclosure deadline remains; upon a showing of necessity, the court will extend this deadline a bit.

Entered this 30th day of July, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge