

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

AZIZ DAYA,

Plaintiff,

ORDER

v.

07-C-193-C

ALBERTO GONZALEZ, U.S. Attorney
General, MICHAEL CHERTOFF,
Secretary of the D.H.S., EMILIO T.
GONZALEZ, Director of the U.S.C.I.S.,
RUTH A DOROCHOFF, District Director
of Chicago U.S.C.I.S., KAY LEOPOLD,
Director of the Milwaukee Office
U.S.C.I.S., ROBERT S. MUELLER,
Director of Federal Bureau of
Investigation,

Defendants.

MOHAMED EL AOMARI,

Plaintiff,

07-C-194-C

v.

ALBERTO GONZALEZ, U.S. Attorney
General, MICHAEL CHERTOFF,
Secretary of the D.H.S., EMILIO T.
GONZALEZ, Director of the U.S.C.I.S.,
RUTH A DOROCHOFF, District Director
of Chicago U.S.C.I.S., KAY LEOPOLD,
Director of the Milwaukee Office
U.S.C.I.S., ROBERT S. MUELLER,
Director of Federal Bureau of
Investigation,

Defendants.

On June 14, 2007, this court held a recorded telephonic status conference in these two cases. Both petitioners were represented by Attorney John L. Sesini. All respondents were represented by Assistant United States Attorney Richard Humphrey.

The parties have reported that they anticipate non-judicial resolution of these disputes. The parties agree, however, to deadlines in this court that will allow fair and timely resolution in the event further judicial action is needed. Accordingly, I set a dispositive motion filing deadline, a discovery cutoff, and the date for a one to four-hour bench trial. The parties reported that they did not need other deadlines or input from the court at this time.

Dispositive Motions.

Dispositive motions may be filed and served by any party on any date up to October 1, 2007. All dispositive motions must be accompanied by supporting briefs. All responses to any dispositive motion must be filed and served within 21 calendar days of service of the motion, which the court presumes is the date the motion is filed with the court. Any reply by the movant must be filed and served within 10 calendar days of service of the response, which the court presumes to be the date the response is filed with the court. A party is not entitled to additional time under Rule 6(a) or Rule 6(e) to file and serve documents related to a dispositive motion. The parties may not modify this schedule without leave of court.

If any party files a motion for summary judgment, all parties must follow this court's procedure governing such motions, a copy of which is attached to this order. The court will

not consider any document that does not comply with its summary judgment procedure. A party may not file more than one motion for summary judgment in this case without leave of court.

Parties are to undertake discovery in a manner that allows them to make or respond to dispositive motions within the scheduled deadlines. The fact that the general discovery deadline cutoff, set forth below, occurs after the deadlines for filing and briefing dispositive motions is not a ground for requesting an extension of the motion and briefing deadlines.

Discovery.

All discovery in this case must be completed not later than January 4, 2008, absent written agreement of all parties to some other date. Absent written agreement of the parties or a court order to the contrary, all discovery must conform with the requirements of Rules 26 through 37.

Rule 26(a)(1) governs initial disclosures unless the parties agree in writing to the contrary.

The following discovery materials *shall not* be filed with the court unless they concern a motion or other matter under consideration by the court: interrogatories; responses to interrogatories; requests for documents; responses to requests for documents; requests for admission; and responses to requests for admission.

Deposition transcripts *shall* be filed with the court promptly after preparation. All deposition transcripts must be in compressed format. The court will not accept duplicate transcripts. The parties must determine who will file each transcript.

A party may not file a motion regarding discovery until that party has made a good faith attempt to resolve the dispute. All efforts to resolve the dispute must be set forth in any subsequent discovery motion filed with this court. By this order, the court requires all parties to a discovery dispute to attempt to resolve it quickly and in good faith. Failure to do so could result in cost shifting and sanctions under Rules 37(a)(4) and 37(b)(2).

This court also expects the parties to file discovery motions promptly if self-help fails. Parties who fail to do so may not seek to change the schedule on the ground that discovery proceeded too slowly to meet the deadlines set in this order.

All discovery-related motions must be accompanied by a supporting brief, affidavit, or other document showing a *prima facie* entitlement to the relief requested. Any response to a discovery motion must be served and filed within five calendar days of service of the motion, which the court presumes is the date the motion is filed with this court. In the event that the fifth day falls on a weekend, the response is due by noon on the next day the court is open. Replies may not be filed unless requested by the court. A party is not entitled to additional response time under Rule 6(a) or Rule 6(e) beyond the five calendar days ordered herein.

For all purposes in this case, Rule 6(e) shall apply only to documents mailed via the United States Postal Service. Use of any other courier or express service shall be deemed personal service as of the date of delivery for the purpose of computing time limits.

Trial to the Court.

Trial to the court will be held on February 1, 2008. The parties estimate that this case will take less than one day to try. Absent further order of this court, the issues to be tried shall be limited to those identified by the parties in their pretrial conference report to the court. A copy of this court's procedural order for non-jury cases is attached.

This case will be tried in an electronically equipped courtroom and the parties shall present their evidence using this equipment. Counsel shall ensure the compatibility of any of their personal equipment with the court's system prior to the final pretrial conference or shall forfeit their right to use any personal equipment that is not compatible with the court's system.

Reporting Obligation of Corporate Parties.

All parties that are required to file a disclosure of corporate affiliations and financial interest form have a continuing obligation throughout this case promptly to amend that form to reflect any changes in the answers.

E-Filing.

Parties in this lawsuit may file documents with the court electronically. If they choose to file electronically, they must follow the court's procedures in order to ensure that the court properly receives and docket each submission. The court's procedures, FAQ page, and related information may be found at www.wiwd.uscourts.gov.

Electronic Notification

Parties in this lawsuit may receive court notices, briefing schedules and orders electronically. If they choose to participate in this program, they must follow the court's procedures. The court's procedures and related information may be found at www.wiwd.uscourts.gov.

Entered this 14th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge