

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

PLANNED PARENTHOOD OF
WISCONSIN, INC., SUSAN PFLEGER,
MD, FREDRIK BROEKHUIZEN, MD, and
MILWAUKEE WOMEN'S MEDICAL
SERVICES d/b/a AFFILIATED MEDICAL
SERVICES,

Plaintiffs,

v.

ORDER

13-cv-465-wmc

J.B. VAN HOLLEN, ISMAEL OZANNE,
JAMES BARR, MARY JO CAPODICE, DO,
GREG COLLINS, RODNEY A. ERICKSON,
MD, JUDE GENEREAUX, SURESH K.
MISRA, MD, GENE MUSSER, MD, KENNETH
B. SIMONS, MD, TIMOTHY SWAN, MD,
SRIDHAR VASUDEVAN, MD, SHELDON A.
WASSERMAN, MD, TIMOTHY W. WESTLAKE,
MD, RUSSELL YALE, MD, and DAVE ROSS,

Defendants.

Pursuant to the court's telephonic scheduling conference, IT IS ORDERED that:

1. The stay entered in this case on August 15, 2013 (dkt. #94) is lifted.
2. Defendants' motion to dismiss for lack of standing (dkt. #76) is SUMMARILY DENIED. *See Planned Parenthood v. Van Hollen*, No. 13-2726, slip op. at 14 (7th Cir. Dec. 20, 2013) (foreclosing challenge to an abortion provider's standing "to sue to enjoin as violations of federal law (hence litigable under 42 U.S.C. § 1983) state laws that restrict abortion").
3. The court will appoint a neutral expert witness. By February 14, 2014, the parties shall confer and submit the names of two or three qualified neutrals to

the court. If the parties cannot reach agreement, each side should designate one expert with whom the court will consult to identify a neutral expert.

4. This matter shall proceed to trial before the court on Tuesday, May 27, 2013, at 8:30 a.m. The following additional dates shall apply:

a. Disclosure of Experts: February 14, 2014

Rebuttal Disclosures: April 14, 2014

b. Deadline for Filing Dispositive Motions: February 28, 2014

Response: March 18, 2014

Reply: March 28, 2014

c. Discovery Cutoff: April 21, 2014

d. Settlement Letters: April 25, 2014

e. Rule 26(a)(3) disclosures: May 2, 2014

f. On or before May 9, 2014, the parties shall provide opposing counsel and the court:

i. Proposed findings of fact.

ii. Exhibit lists. Any exhibits not listed shall be excluded from admission into evidence except upon good cause shown.

iii. A list of portions of depositions to be offered into evidence at trial, by page and line references for witnesses unavailable at trial. In lieu of part or all of the narrative of questions and answers, the proponent of a deposition may -- though is not required to -- prepare a written narrative summary of some or all deposition transcripts the party intends to offer into evidence, with annotated page and line references in parenthesis after each sentence.

g. On or before May 16, 2014, the parties shall provide opposing counsel and the court:

i. Responses to proposed findings of fact.

- ii. Objections to exhibits.
- iii. Objections and counter designations to proffered deposition designations. In the event that proponent offers a narrative summary, respondent should respond similarly.
- iv. Trial brief, if any.
- h. Counsel are directed to consult in good faith and reach resolution on the admissibility of exhibits to the extent possible. Each party shall file hard copies of any *contested* exhibits they intend to offer with the court by 12:00 p.m. on May 20, 2014.
- i. The final pre-trial conference shall be held on May 22, 2014, at 4:00 p.m.

Entered this 6th day of January, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge