

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

---

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

v.

SUN LIFE ASSURANCE COMPANY OF  
CANADA,

Defendant.

---

ORDER

14-cv-562-wmc

In a June 10, 2015, opinion and order, this court granted plaintiff U.S. Bank National Association's motion for judgment on the pleadings, entering judgment in its favor on its breach of contract claim and on defendant Sun Life Assurance Company of Canada's counterclaims. (Dkt. #55.) Following release of that opinion, Magistrate Judge Crocker held a telephonic conference to reset pretrial deadlines and a trial date. During the course of the hearing, it became readily apparent that the parties had vastly different views on how this case should proceed. Judge Crocker ordered the parties to submit their respective positions in writings, which they have now done. (Dkt. ##61, 62.) Having reviewed those responses, the court will lift the stay of discovery, and enter the schedule proposed by Judge Crocker with slight modifications to account for the lapse of time between the holding of that conference and the issuance of this order.<sup>1</sup>

Before entering the order below, the court must address two issues raised by Sun Life during the hearing and reiterated in its response. First, to clarify, the *only* issues remaining in this case are plaintiff's bad faith claim and claim for 12% statutory interest. While the court

---

<sup>1</sup> The other deadlines and procedures identified in the court's preliminary pretrial conference order (dkt. #8) and procedures governing final pretrial submissions and conference (dkt. #8 at pp.18-19) remain in place.

is lifting the stay of discovery, the parties' discovery is limited to those issues. Specifically, any requests for discovery concerning possible third party claims are not relevant to the matters remaining in dispute in this case. Second, in its response, Sun Life indicates that it intends to file a motion for judgment on the pleadings on the bad faith claim and it believes that claim can be dealt with as a matter of law. Sun Life is, of course, free to file such a motion, but the court will not delay setting a schedule to accommodate its motion.

Accordingly,

IT IS ORDERED that:

1) The court sets the following schedule:

- |   |                        |
|---|------------------------|
| a. Disclosure of experts:   | Proponent: 11/13/2015  |
|   | Respondent: 12/4/2015  |
| b. Deadlines for filing dispositive motions:                      | 12/4/2015              |
| c. Discovery cut-off:   | 12/4/2015              |
| d. Settlement letters:  | 2/1/2016               |
| e. Rule 26(a)(3) Disclosures<br><i>and</i> all motions in limine: | 3/11/2016              |
| Responses:  | 3/25/2016              |
| f. Final pretrial conference:                                     | 4/12/2016 at 4:00 p.m. |
| g. Trial:   | 4/18/2016 at 9:00 a.m. |

2) The stay of discovery is lifted.

Entered this 21st day of July, 2015.

BY THE COURT:

/s/

---

WILLIAM M. CONLEY  
District Judge