

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

J.K.J.,

Plaintiff,

ORDER

v.

15-cv-428-wmc

POLK COUNTY and DARRYL L.
CHRISTENSEN,

Defendants.

and

M.J.J.,

Plaintiff,

v.

15-cv-433-wmc

POLK COUNTY and DARRYL L.
CHRISTENSEN,

Defendants.

This case is set for jury trial commencing January 30, 2017. The court held a final pretrial conference on January 24, 2017, at which the parties appeared by counsel. The court issued several rulings on the record, which it now formalizes in the order below.

ORDER

IT IS ORDERED that:

- 1) The parties' supplemental briefing on the admissibility of plaintiff JKJ's testimony about sexual relations with defendant Christensen at the Fire House is due on or before noon on Friday, January 27, 2017. The court continues to RESERVE on Polk County's motion to admit such evidence ('428 dkt. #195; '433 dkt. #196), and plaintiffs' motion *in limine* no. 6 seeking to exclude the

same ('428 dkt. #137; '433 dkt. #138) during the liability phase of trial, although that evidence may be admitted during the damages phase.

- 2) The parties are directed to file any proposed instructions on PREA by end of the day Wednesday, January 25, 2017. The court continues to RESERVE on plaintiffs' motion *in limine* no. 2 on the court taking judicial notice of the PREA and related, congressional findings ('428 dkt. #137; '433 dkt. #138).
- 3) Plaintiffs' motion *in limine* no. 3 ('428 dkt. #195; '433 dkt. #196) is GRANTED.
- 4) Plaintiffs' motion *in limine* no. 10 ('428 dkt. #195; '433 dkt. #196) is DENIED.
- 5) The parties are directed to file their respective statements of the objections they seek to maintain as to Steven Schaefer's deposition testimony by end of day Wednesday, January 25, 2017. If a party wishes to maintain all objections, it need not file a statement.
- 6) The parties are also directed to file a list of their respected contested exhibits as well as a copy of those contested exhibits by end of day, Wednesday, January 25, 2017.
- 7) Plaintiffs' motion for sanctions against Polk County ('428 dkt. #118; '433 dkt. #119) is GRANTED IN PART AND DENIED IN PART. As a sanction for the County's discovery mis-steps, plaintiffs may call Justin Johnson in the damages phase of trial, a witness who was not timely disclosed, provided he is made available for deposition this week.
- 8) Absent other agreement by the parties, plaintiffs should provide defendants a list of the witnesses they intend to call on the first day of trial by end of day, Friday, January 27, 2017. The same lists should be provided, initially by plaintiffs and then by defendants, at the end of each trial day for the witnesses to be called the following day.
- 9) The court will hold a telephonic conference on Thursday, January 26, 2017, at 3:00 p.m. Plaintiffs are to arrange the call to Chambers at 608-264-5087.

Entered this 25th day of January, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge