

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 07-C-1028

GRAY & ASSOCIATES LLP, et al.,

Defendants.

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**ORDER**

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The defendants in this matter have filed a motion for a protective order seeking various relief, including requiring that Plaintiff Peter M. Bernegger withdraw various subpoenas and notices of deposition seeking information relating to topics other than those relevant to the pending lawsuit. Bernegger, who appears pro se, has filed motions to compel witnesses to provide documents previously withheld or to appear at scheduled depositions. Bernegger has not yet responded to the defendants' motion for a protective order and sanctions. One of Bernegger's motions to compel is directed toward a deposition scheduled for January 27, 2009, and he has asked for a decision on his motion by noon today.

Because Bernegger has not yet responded to the defendants' motion for protective order, his motion to compel will be denied and the deposition postponed until such time as the Court has an opportunity to address the defendants' motion. The defendants contend that Bernegger is misusing the discovery process in an effort to obtain information not relevant to any of the issues raised in the pending lawsuit. An affidavit filed in support of the motion suggests that Bernegger is aware that his discovery efforts go to matters outside the present lawsuit, but simply does not care. Bernegger's

conduct as described in the affidavit warrants further consideration of the motion the defendants have brought. Accordingly, Bernegger's motions to compel are denied and his discovery requests are hereby stayed until such time as the motion for a protective order is decided. The pending notices of deposition filed by Bernegger are therefore stayed absent mutual agreement by the parties or further order of this Court.

**SO ORDERED** this 26th day of January, 2009.

s/ William C. Griesbach  
WILLIAM C. GRIESBACH  
United States District Judge