

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

S.V.

Plaintiff,

-vs-

Case No: 10-CV-919

KENNETH KRATZ,

Defendant.

PARTIES FED. RULE CIV. PRO. 26(f) JOINT REPORT

Plaintiff S.V. by her attorneys Fox & Fox S.C., by Michael R. Fox and defendant Kenneth Kratz by its attorneys Hammett, Bellin & Oswald, LLC, by Robert E. Bellin, Jr., submit the following Rule 26(f) joint report.

SCHEDULING CONFERENCE

A telephonic scheduling conference under Fed. Rule Civ. Pro. 16(b) will be held on March 9, 2011 at 9:00 a.m. The court will initiate the call.

DISCOVERY PLAN

The parties jointly propose to the court the following discovery plan:

1. The parties agree that initial disclosures required by Fed. Rule Civ. Pro. 26(a)(1) will be due on or before May 1, 2011.
2. Amendments to pleadings are due on or before May 1, 2011.

3. Reports from retained experts under Fed. Rule Civ. Pro. 26(a)(2) are due from the plaintiff on or before July 1, 2011, and from the defendant on or before September 1, 2011. Any rebuttal expert report for plaintiff shall be due on October 1, 2011.

4. There shall be no limit on the number of depositions or interrogatories that can be taken or posed by either party.

5. Discovery to be completed by November 1, 2011.

6. The parties estimate that a trial of this matter would take five trial days.

7. Pretrial Disclosures will be made in accordance with Fed. Rule Civ. Pro. 26(a)(3).

8. The State of Wisconsin has moved to intervene in this action to assert that the defendant, to the extent that he acted in a manner subjecting him to the liability alleged, acted outside the scope of his employment. The plaintiff will oppose the State's motion and it is the expectation of the parties that a briefing schedule on the motion will be set by the court. In response to that motion, the defendant may bring a motion requesting the court to rule or declare that the state owes the defendant, at a minimum, a defense in this matter in that his actions were undertaken within the scope of his employment as a matter of law or, in the alternative, that the issue of whether his actions were within the scope of his authority as a matter of law, the case presents issues of fact that require the State to bear the cost of his defense.

9. In the event the State intervenes, the defendant anticipates filing a motion to bifurcate the issues of indemnification and duty to defend and to stay the proceedings

in the case in chief pending decision on the State's such duties. Thus, there is a possibility that the above proposed schedule would need to be amended.

Dated: March 2, 2011

Respectfully,

FOX & FOX, S.C.

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