

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

RICKY JONES,

Plaintiff,

v.

Case No. 10-C-560

INTERNATIONAL ASSOCIATION OF
BRIDGE STRUCTURAL ORNAMENTAL
AND REINFORCING IRON WORKERS ET AL.

Defendant.

DECISION AND ORDER

On July 7, 2010, plaintiff Ricky Jones filed a pro se civil rights complaint under 42 U.S.C. §§ 1981, 1983, 1985, the 14th Amendment to the United States Constitution, the Employee Retirement Income Security Act (ERISA), and the Union Member Bill of Rights. The plaintiff alleges that the defendants discriminated against him on the basis of his race and retaliated against him “for his success on previous lawsuits.” (Complaint at 2). The plaintiff also alleges that defendant Ironworkers Local 8 Welfare Fund violated ERISA when it “arbitrarily terminated my spouse and my health insurance benefits [sic], violated confidentiality based on a discriminatory and retaliatory [sic] animus from previous [sic] lawsuits filed by me.” Id.

By decision and order dated March 7, 2011, the court granted defendant Iron Worker Local 8 Health and Welfare Fund Board of Trustees' motion to stay further proceedings in this case pending resolution of its motion to dismiss, as well as the motions to dismiss filed by various co-defendants. On March 11, 2011, the plaintiff filed a "Motion for Reconsideration of Order Staying Order of 7-Mar-11." The court granted the plaintiff's motion for reconsideration and allowed the plaintiff until July 11, 2011, to file his response to defendant Iron Worker Local 8 Health and Welfare Fund Board of Trustees' motion to stay further proceedings. By this order, the court clarifies that its order granting the plaintiff's motion for reconsideration did not lift the previously entered stay. The order only allowed for the filing of the plaintiff's brief in response to the defendant's motion to stay.

The plaintiff filed a document on July 5, 2011, which although titled "Response to Court Reconsideration Order," is his brief in response to the defendant's motion to stay. Also on that date, the plaintiff filed a motion to strike (Docket #83) and a motion for a conference pursuant to Fed. R. Civ. P. 26(f). (Docket #84). The plaintiff seeks an order striking defendant Iron Worker Local 8 Health and Welfare Fund Board of Trustees' motion to stay. On July 29, 2011, the plaintiff filed a motion for an order pursuant to Fed. R. Civ. P. 68 and 70 or, alternatively, to be allowed to amend the complaint to include tort claims and if necessary establish an escrow account for the placement of \$5,000. (Docket #86). The plaintiff asks to be allowed to work through Local 8 until a jury trial on all of the issues. Finally, the plaintiff filed an objection to Attorney Yingtao Ho's representation of certain defendants, as well as a "Motion for Production of Milwaukee County Jail Inmate Phone Records." (Docket #90).

As the stay has not been lifted in this case, all of the plaintiff's motions will be denied. Additionally, the court has considered the plaintiff's brief in response to defendant Iron Worker Local 8 Health and Welfare Fund Board of Trustees' motion to stay further proceedings and, on reconsideration, the court's order granting the motion to stay stands.

ORDER

NOW, THEREFORE, IT IS ORDERED that the plaintiff's motion to strike be and hereby is denied. (Docket #83).

IT IS FURTHER ORDERED that the plaintiff's motion for a conference pursuant to Fed. R. Civ. P. 26(f) be and hereby is denied. (Docket #84).

IT IS ALSO ORDERED that the plaintiff's motion for an order pursuant to Fed. R. Civ. P. 68 and 70 be and hereby is denied. (Docket #86).

IT IS ALSO ORDERED that the plaintiff's motion for production of Milwaukee County Jail inmate phone records be and hereby is denied. (Docket #90).

FINALLY, IT IS ORDERED that the case continues to be stayed pending the resolution of the defendants' motions to dismiss. No further proceedings or filings will be permitted without leave of the court pending resolution of the motions.

Dated at Milwaukee, Wisconsin, this 23rd day of August, 2011.

BY THE COURT:

s/Patricia J. Gorence
Patricia J. Gorence
United States Magistrate Judge