

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

**BRIAN PERGANDE, and
CHAD RAHN,**

Plaintiffs,

v.

Case No. 14-CV-169

**VILLAGE OF BUTLER, and
WAUKESHA COUNTY,**

Defendants.

ORDER GRANTING IN PART MOTION TO COMPEL DISCOVERY

On May 13, 2016, the court conducted a telephone motion hearing with respect to the motion for a protective order (ECF No. 56) filed by the defendant, Village of Butler, and a motion to compel discovery (ECF No. 65) filed on behalf of the plaintiffs. Appearing on behalf of the plaintiffs, Attorney Christopher J. MacGillis; appearing on behalf of the defendant, Waukesha County, Attorney Amy J. Doyle; and appearing on behalf of the defendant, Village of Butler, Attorney Robert J. Lauer, and the court having been fully advised regarding the matter and having heard the argument of counsel;

IT IS HEREBY ORDERED:

1. That counsel for the parties agreed to the issuance of a Protective Order in this matter and will submit a “Stipulated Protective Order Regarding Confidential Materials” to the court in the near future for signing by the court.

2. That the Village of Butler’s motion for a protective order requesting that the Butler Police Department disciplinary files of Michael Cosgrove, David Wentlandt, Nicholas Boyle, Rick Napierala, and Joel Fus be produced subject to the provisions of the “Stipulation and Confidentiality Agreement for a Protective Order” is granted.

3. That the plaintiffs may pursue appropriate remedies with respect to open records requests made for the Butler Police Department’s disciplinary files of the above-named individuals pursuant to Wisconsin’s Open-Record Laws. The court in this matter reserves the right to reconsider its ruling with respect to the Butler Police Department’s disciplinary files at issue in this matter based upon any State court ruling that may be had with respect to the disclosure of the disciplinary files identified above.

4. That the plaintiffs’ motion to compel discovery is granted in part and denied in part. In that regard, Chief David Wentlandt shall be produced for a discovery deposition within a reasonable time from the date of this Order, but shall not be obligated to answer questions with respect to the ongoing disciplinary investigation conducted by the Village of Butler Police Department with respect to Chad Rahn. Counsel for the Village of Butler shall produce Chief David Wentlandt for a second deposition after August 13, 2013, for questioning related only to the pending

disciplinary investigation by the Village of Butler Police Department with respect to Chad Rahn. Counsel for the Village of Butler may petition the court to modify the date for the second deposition of Chief Wentlandt, if necessary.

5. That the Scheduling Order is amended in this matter as follows:
 - a. Plaintiffs to file any amended pleadings on or before **May 27, 2016**.
 - b. All discovery is to be completed by **October 3, 2016**.
 - c. All motions for summary judgment together with the moving party's principal materials in support of the motion are to be filed in accordance with Civil Local Rule 56 no later than **November 25, 2016**.

Dated at Milwaukee, Wisconsin this 1st day of June, 2016.


WILLIAM E. DUFFIN
U.S. Magistrate Judge