

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

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HARRY R. WIEDENBECK and RHONDA  
L. WIEDENBECK, on behalf of  
themselves and all others who are similarly  
situated,

Plaintiffs,

v.

CINERGY HEALTH, INC., AMERICAN  
MEDICAL AND LIFE INSURANCE  
COMPANY, and NATIONAL CONGRESS  
OF EMPLOYERS, INC.,

Defendants.

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ORDER

12-cv-508-wmc

Plaintiffs Harry R. Wiedenbeck and Rhonda L. Wiedenbeck seek a stay pending the outcome of plaintiffs' petition for interlocutory appeal of this court's denial of plaintiffs' motion for class certification pursuant to Fed. R. Civ. P. 23(f). (Dkt. #99.) Defendants American Medical and Life Insurance Company and National Congress of Employers, Inc., filed letters to the court indicating that they do not oppose the stay. (Dkt. ## 100, 101.)<sup>1</sup> While the court believes, as described in its opinion denying certification, that this case does not meet the requirements under Rule 23, the court is persuaded that a stay is appropriate in light of plaintiffs' representation that "[i]t would be prohibitively expensive for the individual plaintiffs to continue this litigation on the uncertain hope that the 7th Circuit would eventually reverse this Court following trial on

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<sup>1</sup> Defendant Cinergy Health, Inc. did not file a response, and therefore the court assumes Cinergy also does not oppose a stay.

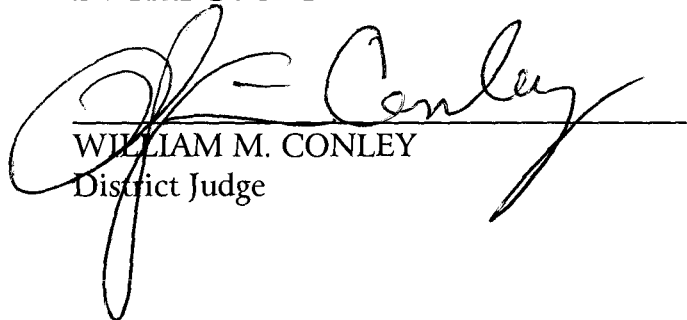
the merits.” (Pls.’ Mot. (dkt. #99) 3.) Accordingly, the court will grant plaintiffs’ motion and will strike all deadlines, including the trial date, pending the Seventh Circuit’s decision on plaintiffs’ Rule 23(f) petition.

ORDER

IT IS ORDERED that plaintiffs’ Harry R. Wiedenbeck and Rhonda L. Wiedenbeck motion to stay proceedings pending outcome of petition for appeal (dkt. #99) is GRANTED. All pending deadlines, including the trial date, are STRUCK.

Entered this 15<sup>th</sup> day of October, 2013.

BY THE COURT:

  
WILLIAM M. CONLEY  
District Judge