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

ROMPER ROOM, INC., ROMPER ROOM II, INC., GREG GERING and TAMMY GERING,

Plaintiffs,

ORDER

14-cv-641-wmc

v.

WINMARK CORPORATION,

Defendant.

On September 23, 2014, plaintiffs filed this lawsuit alleging that defendant Winmark Corporation violated the Wisconsin Fair Dealership Law, Wis. Stat. § 135.01 et seq., by terminating their Once Upon A Child franchises. With the complaint, plaintiffs have also filed a motion for preliminary injunction asking the court to enjoin the impending termination, which is scheduled for October 22, 2014. (Dkt. #2.) The court notes that while plaintiffs have filed a brief in support of their motion and affidavits based on their personal knowledge, they have merely included a statement of proposed facts in their brief, rather than "a precisely tailored set of factual propositions that movant considers necessary to a decision in the movant's favor," which must "set forth each factual proposition in its own separately numbered paragraph ... citing with precision to the source of that proposition" as required by this court's procedure to be followed on motions for injunctive relief.¹ Accordingly, plaintiffs will be required to file a separate statement of proposed facts meeting these requirements by tomorrow, September 25, 2014. Provided the proposed findings of fact, along with the summons, complaint, motion for preliminary injunction, supporting

¹ See http://www.wiwd.uscourts.gov/sites/default/files/Injunctive_Relief.pdf.

brief and other materials are all properly served on defendants by 5:00 p.m. on Friday, September 26, 2014, defendants may then have until Friday, October 10, 2014, to respond to plaintiff's motion as required by the court's procedures. A telephonic status conference will be held on Wednesday, October 15, 2014, and the preliminary injunction hearing will be held on Friday, October 17, 2014.

ORDER

IT IS ORDERED that:

- 1) Plaintiffs shall file and serve electronically proposed findings of fact in support of their motion for preliminary injunction no later than Thursday, September 25, 2014.
- 2) Plaintiffs must file proof of service of the summons, complaint, motion, brief, other supporting documents and this order no later than 5:00 p.m. on Friday, September 26, 2014.
- 3) Defendant Winmark Corporation will have until Friday, October 10, 2014 to respond to the motion. There will be no reply.
- 4) The court will hold a telephone status conference at 9:00 a.m. on Wednesday, October 15, 2014; plaintiffs should initiate the call to the court.
- 5) The court will hold a hearing on preliminary injunction at 1:00 p.m. on Friday, October 17, 2014.

Entered this 24th day of September, 2014.

BY THE COURT:

__/s/____ WILLIAM M. CONLEY District Judge