

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

JERMAINE ROGERS,

Plaintiff,

v.

C.O. CHRISTENSEN,

Defendant.

DISMISSAL ORDER

15-cv-765-slc

On February 12, 2018, at the conclusion of an unremarkable final pretrial conference, just before the venire panel was brought into the courtroom for jury selection, pro se plaintiff Jermaine Rogers announced that he did not wish to go forward with the trial. Rogers then presented a signed stipulation of dismissal that had been typed by the State.

Assistant Attorney General Laure C. Rakvic-Farr explained that the defendant's settlement offer had been completely withdrawn over a week ago, at which point they had sent Rogers a stipulated dismissal form just in case he wanted to drop what remained of his lawsuit before coming into court to try it. Rogers never sent back the form, so the AAGs went into full trial-prep mode. The State was not aware the Rogers was going to present the stipulated dismissal in open court, particularly *after* having completed the final pretrial conference at which Rogers had confirmed to the court that he understood how the jury would be selected, he had written an opening statement that he wished to present from the podium, he had his trial exhibits ready, he was aware of the timing of his witnesses who would be testifying by video, he wished to testify from his table so that he would have access to his documents, and he understood that he was free during trial to ask the court for guidance if he was unsure of what to do or what was happening.

Surprised by Rogers's unexpected announcement, the court discussed with Rogers that his voluntary dismissal three minutes before the trial began would be *without* any settlement payment and *with* prejudice. Rogers confirmed his understanding that if the court granted his request to

dismiss, then his case against Christensen was over, he could not bring it back, and he would get no settlement money. Rogers then affirmed his decision to dismiss his case.

ORDER

IT IS ORDERED that plaintiff Jermaine Rogers's claim against defendant C.O. Christensen is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to enter judgment closing this case.

Entered this 12th day of February, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge