

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

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PLANNED PARENTHOOD OF  
WISCONSIN, INC., SUSAN PFLEGER,  
MD, FREDRIK BROEKHUIZEN, MD, and  
MILWAUKEE WOMEN'S MEDICAL  
SERVICES d/b/a AFFILIATED MEDICAL  
SERVICES,

Plaintiffs,

v.

ORDER

13-cv-465-wmc

J.B. VAN HOLLEN, ISMAEL OZANNE,  
JAMES BARR, MARY JO CAPODICE, DO,  
GREG COLLINS, RODNEY A. ERICKSON,  
MD, JUDE GENEREAUX, SURESH K.  
MISRA, MD, GENE MUSSER, MD, KENNETH  
B. SIMONS, MD, TIMOTHY SWAN, MD,  
SRIDHAR VASUDEVAN, MD, SHELDON A.  
WASSERMAN, MD, TIMOTHY W. WESTLAKE,  
MD, RUSSELL YALE, MD, and DAVE ROSS,

Defendants.

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Pursuant to the court's hearing on plaintiffs' motion for preliminary injunction held this morning, IT IS ORDERED that:

1. Plaintiffs' reply brief (dkt. #58) was not considered for purposes of today's hearing, but will be considered in ruling on the preliminary injunction motion, along with any sur-reply brief the defendants may choose to file no later than Friday, July 19, 2013.
2. Defendants' motion for leave to file supplemental declaration (dkt. #53 ) is GRANTED and all supplemental affidavits filed to date by either side will be

- considered in ruling on the preliminary injunction motion, along with any sur-rebuttal affidavits defendants may choose to file no later than this Friday.
3. Defendants' sur-reply brief and sur-rebuttal affidavits, if any, shall not exceed the length of plaintiffs' reply brief and supplemental affidavits, respectively.
  4. This court's Temporary Restraining Order shall remain in place until its opinion and order on the preliminary injunction motion is issued or August 1, 2013, whichever is later.
  5. Both sides may have until Friday, July 19, to file a statement of no more than five pages as to the advisability of the court appointing a neutral medical expert.
  6. Plaintiffs' motion for certification of defendant class (dkt. #8) is GRANTED. Pursuant to Fed. R. Civ. P. 23(b)(1), a defendant class comprised of the 71 Wisconsin District Attorneys is CERTIFIED with Dane County District Attorney Ismael Ozanne as the class representative and the Attorney General of Wisconsin (through the Wisconsin Department of Justice and its Assistant Attorneys General) as class counsel.
    - a. The parties may have until Friday, July 19, 2013, to file an agreed upon notice to the certified class pursuant to Fed. R. Civ. P. 23(c)(2)(A) for the court's approval. Alternatively, plaintiffs may have until Friday, July 19, 2013, to propose a draft notice and defendants may have until Monday, July 22, 2013, to file any counterproposal.

7. This matter shall proceed to trial before the court on Monday, November 25, 2013, at 8:30 a.m. In light of this early trial calendar, notice, service and response times set forth in the Federal Rules of Civil Procedure do not apply. Rather, reasonable notice, service and response times shall be mutually agreed upon by counsel or, failing that, set by this court. The parties and counsel are urged to cooperate fully as to expedited discovery. The following additional dates shall apply:

a. Disclosure of Experts: August 16, 2013

b. Deadline for Filing Dispositive Motions: August 26, 2013

Response: September 16, 2013

Reply: September 26, 2013

c. Discovery Cutoff: October 15, 2013

d. Settlement Letters: November 1, 2013

e. On or before October 15, 2013, the parties shall provide Rule 26(a)(3) disclosures to opposing counsel and the court.

f. On or before October 30, 2013 the parties shall provide opposing counsel and the court:

i. Proposed findings of fact.

ii. Exhibit lists. Any exhibits not listed shall be excluded from admission into evidence except upon good cause shown.

iii. A list of portions of depositions, to be offered into evidence at trial, by page and line references for witnesses unavailable at trial. The proponent of a deposition may -- though is not required to -- prepare a written narrative summary of some or all deposition transcripts the party intends to offer into evidence,

with annotated page and line references in parenthesis after each sentence, in lieu of part or all of the narrative of questions and answers.

- g. On or before November 8, 2013, the parties shall provide opposing counsel and the court:
  - i. Responses to proposed findings of fact.
  - ii. Objections to exhibits.
  - iii. Objections and counter designations to proffered deposition designations.
  - iv. Trial brief, if any.
- h. Counsel are directed to consult in good faith and reach resolution on the admissibility of exhibits to the extent possible. Each party shall file copies of any *contested* exhibits they intend to offer with the court by 12:00 p.m. on November 19, 2013.
- i. The final pre-trial conference shall be held on November 21, 2013, at 4:00 p.m.

Entered this 17th day of July, 2013.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge