

SUE E. BISCHEL  
Circuit Judge



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**CIRCUIT COURT BRANCH III**

BROWN COUNTY COURTHOUSE  
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January 7, 2009

Mr. Michael Kirschling  
Attorney at Law  
PO Box 5637  
De Pere, WI 54115

Mr. Ross Nova  
Attorney at Law  
PO Box 13067  
Green Bay, WI 54307-3067

**FILE COPY**

Re: *Hilliard Limited Partnership vs. Evergreen Development, LLC*  
Case No. 08-CV-2265

Dear Mr. Kirschling and Mr. Nova:

I received Mr. Nova's Notice of Motion and Motion for Summary Judgment on January 5, 2009 and Mr. Kirschling's Motion to Withdraw as Counsel on January 6, 2009. Based upon the fact that we have not yet conducted a scheduling conference, I have signed Mr. Kirschling's proposed Order allowing his firm to withdraw.

In his cover letter attached to his motion, Mr. Nova requests that I establish a briefing schedule and remove this case from the scheduling conference calendar on January 22<sup>nd</sup>. I have removed it from the scheduling conference calendar, but do not intend to establish a briefing schedule at this time. I would like to afford the defendants an opportunity to retain another attorney before establishing the briefing schedule. The defendants should advise me within 30 days of today's date as to their plans to retain alternative counsel. Mr. Van Den Heuvel could represent himself individually but he is prohibited from representing the defendant corporation, which must retain an attorney.

If I do not receive information from the defendants regarding representation within the next 30 days, I will establish a briefing schedule regarding the claims against Mr. Van Den Heuvel individually. I also anticipate that I would be required to grant the plaintiff's motion as it pertains to the corporate defendant.

Sincerely,

Sue E. Bischel  
Circuit Court Judge

SEB:mkw

c: Evergreen Development, LLC  
Mr. Ron Van Den Heuvel