

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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Susan Doxtator, Arlie Doxtator, and Sarah  
Wunderlich, as Special Administrators of  
the Estate of Jonathon C. Tubby,

Plaintiffs,

vs.

Erik O'Brien, Andrew Smith, Todd J.  
Delain, Heidi Michel, City of Green Bay,  
Brown County, Joseph P. Mleziva, Nathan  
K. Winisterfer, Thomas Zeigle, Bradley A.  
Dernbach, and John Does 1-5,

Defendants,

Case No. 1:19-cv-00137-WCG

**JOINT MOTION TO  
MODIFY SCHEDULING  
ORDERS**

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Plaintiffs and Defendants, by and through their undersigned counsel, hereby jointly and respectfully move this Court to modify the expert discovery deadlines set forth in the Court's Scheduling Orders, ECF Nos. 61, 85.

Currently the close of discovery is set for July 31, 2020, and the deadline for dispositive motions is August 3, 2020. ECF No. 85. The parties have diligently pursued discovery—serving document requests, interrogatories, expert reports, and holding depositions (including depositions conducted through remote means due to the COVID19 pandemic). However, due to the schedules of the parties' respective experts, experts will not be available for depositions in time for transcripts of the depositions to be used in relation to rebuttal reports or dispositive motions and responses thereto. Accordingly, the parties request the scheduling order be modified, as set forth below.

In addition, the Court previously set a mediation deadline in this case of June 1. Due to the ongoing COVID19 pandemic, the parties could not meet in person for mediation. Defendants

prefer an in-person mediation, and therefore the parties jointly request that the mediation deadline be extended to November 2, 2020.

The parties' proposed modifications are below. The modifications do not necessarily affect the trial date, however, in light of the COVID19 pandemic and backlog of criminal cases, the Parties defer to the discretion of the Court in scheduling the final and pretrial dates. :

<b>Case Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Expert rebuttal reports	July 1, 2020	August 10, 2020
Close of discovery	July 31, 2020	August 24, 2020
Dispositive Motions	August 3, 2020	August 24, 2020
Responses to Dispositive Motions	September 3, 2020	September 28, 2020
Dispositive Motions Reply Memoranda	September 18, 2020	October 12, 2020
Mediation	June 1, 2020	November 2, 2020
Final Pretrial Conference	November 2, 2020	To be determined by the Court
Trial	November 16, 2020	To be determined by the Court

Dated: July 1, 2020

By /s/ Forrest Tahdooahnippah

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***ATTORNEYS FOR PLAINTIFFS***

Dated: July 1, 2020

By /s/ Ann C. Wirth

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Dated: July 1, 2020

By /s/ Benjamin A. Sparks

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NATHAN K WINISTERFER, THOMAS  
ZEIGLE, BRADLEY A DERNBACH***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of June, 2020, I caused to be served the foregoing  
JOINT MOTION TO MODIFY SCHEDULING ORDERS via ECF on all parties.

/s/ Forrest Tahdooahnippah  
Forrest Tahdooahnippah