

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

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

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

Plaintiffs,

**JOINT MOTION TO
MODIFY SCHEDULING
ORDER**

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,

Plaintiffs and Defendants, by and through their undersigned counsel, hereby jointly and respectfully move this Court to modify the deadlines set forth in the Court's Scheduling Order, ECF No. 98, due to delays caused by the COVID19 pandemic.

Prior to the entry of the Scheduling Order, the Parties had worked diligently on discovery including scheduling depositions of several Rule 30(b)(6) designees from the City of Green Bay and the continued deposition of Officer Scott Salzmann. Two Rule 30(b)(6) designees and Officer Salzmann were scheduled for depositions on July 16, 2020. However, one of the witnesses scheduled had an immediate family member test positive for COVID19, resulting in the quarantine of that witness, testing of the other two witnesses, and need for COVID19 testing for the Green Bay Defendants' counsel. These depositions were then rescheduled for August 4, 2020.

The delay in the depositions of these three witnesses has caused a "domino" effect on the

remaining deadlines. Without the deposition transcripts, the expert rebuttal report cannot be prepared, meaning that the related expert deposition will be premature, which in turn has caused the need for an extension of the discovery and dispositive motion deadlines. Accordingly, the Parties respectfully request a modest extension of all remaining deadlines. The Parties proposed schedule attempts to build in a small amount of leeway to avoid further “domino” effects, and also to accommodate an upcoming parental leave by Plaintiffs’ counsel:

Case Event	Current Deadline	Proposed Deadline
Close of fact discovery	August 24, 2020	September 1, 2020
Expert rebuttal reports	August 10, 2020	September 1, 2020
Close of expert discovery	August 24, 2020	October 2, 2020
Dispositive Motions	August 24, 2020	November 2, 2020
Responses to Dispositive Motions	September 28, 2020	December 2, 2020
Dispositive Motions Reply Memoranda	October 12, 2020	December 17, 2020
Mediation	November 2, 2020	February 1, 2020

Dated: August 5, 2020

By /s/ Forrest Tahdooahnippah

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ATTORNEYS FOR PLAINTIFFS

Dated: August 5, 2020

By /s/ Jasmyne M. Baynard

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O'BRIEN, ANDREW SMITH, CITY OF
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Dated: August 5, 2020

By /s/ Benjamin A. Sparks

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of August, 2020, I caused to be served the foregoing
JOINT MOTION TO MODIFY SCHEDULING ORDER via ECF on all parties.

Jasmyne M. Baynard

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[PROPOSED] ORDER
GRANTING JOINT
MOTION TO MODIFY
SCHEDULING ORDER

This matter is before the Court on the parties' Joint Motion to Modify Scheduling Order. After having considered the motion, the applicable law, and having determined that good cause exists, the Court hereby GRANTS the motion. The deadlines set forth in the Court's scheduling order are hereby amended as follows:

Case Event	Former Deadline	New Deadline
Close of fact discovery	August 24, 2020	September 1, 2020
Expert Rebuttal Reports	August 10, 2020	September 1, 2020
Close of expert discovery	August 24, 2020	October 2, 2020
Dispositive Motions	August 24, 2020	November 2, 2020

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IT IS SO ORDERED.

Dated: _____, 2020

Honorable William C. Griesbach
United States District Judge