

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VILLAGE OF HOBART, WI,

Plaintiff(s),

v.

**TELEPHONE
SCHEDULING CONFERENCE**

**UNITED STATES DEPARTMENT OF
THE INTERIOR**

Case No. 23-C-1511

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: March 18, 2024
Deputy Clerk: Lori

Time Called: 9:21 am
Time Concluded: 9:36 am
Tape: 031824 zoom

Appearances:

Plaintiff(s): Frank W Kowalkowski

Defendant(s): Charmayne Staloff and Kelby Walsh on behalf of Defendants
Arlinda Locklear and James Bittorf, on behalf of Intervenor Defendant Oneida Nation

The Court addresses that Oneida Nation filed a [11] motion to intervene which Plaintiff opposes, briefing is due 3/21/24.

The Court inquires if Oneida Nation agrees with the proposed schedule submitted by the parties in docket no. [20] as to the administrative record.

Ms. Locklear agrees with the parties' schedule recommendations as to the administrative record and will accept any deadlines set by the Court as summary judgment deadlines.

The Court addresses the standard of review.

Mr. Kowalkowski states this would be review of administrative record-De Novo.

MR. Kowalkowski states this would be first time decision rendered on constitutional argument.

The Court inquires if the parties anticipate any evidentiary findings.

Mr. Kowalkowski addresses this is more like an appellate matter and the briefings schedule was indicated as such.

Mr. Kowalkowski addresses given the issues relating the consortium and the claims of biases, there may be a possibility of a motion seeking discovery on that matter.

The Court sets the following briefing schedule: Plaintiff's Brief is due 8/16/2024, Responses due 9/30/24, Reply due 10/30/24. If a Sur-Reply is necessary, motion to be filed.

Oral Argument is scheduled for 12/4/2024 at 1:30 pm.

Ms. Staloff addresses these are usually resolved under summary judgment and requests clarification how case will be resolved if it is found the Government's decision was not in error.

The Court addresses summary judgment vs. an administrative determination by a governmental agency where facts are in dispute.

The Court addresses this Court is reviewing a decision made by an agency.

The Court will review the administrative record to determine that.

The Court addresses that counsel indicated he may file a motion relating to specific discovery.

Once the Court rules on the agency's decision, it will direct the clerk to enter judgment.

Ms. Staloff responds.

The Court will enter a scheduling order.