

United States District Court
Eastern District of Wisconsin

William E. Callahan, Jr.
United States Magistrate Judge

October 28, 1997

U. S. Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-1664
(414) 297-1453 (Fax)

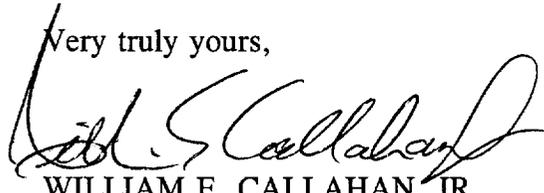
David Simons, Esq.
Foley & Lardner
777 E. Wisconsin Avenue
Milwaukee, WI 53202

Dear Dave:

Enclosed please find a completed "Questionnaire for District Judge and Magistrate Interviews." I have also enclosed the disc upon which the questionnaire was completed. (See 6.1).

If you have any questions regarding the enclosed, please do not hesitate to contact me.

Very truly yours,



WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Plaintiff,

v.

CASE NO.

Defendant.

ORDER

On September 29, 1997, counsel for the plaintiff contacted this court advising that both parties have authorization to mediate disposition of this action.

The court will conduct a settlement conference/mediation on Wednesday, _____, at 9:00 a.m., in Room 445, United States Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin.

- a) In addition to counsel who will try the case being present, a person with full settlement authority must likewise be present for the conference. This requirement contemplates the presence of your clients or, if a corporate entity, an authorized representative of your client. This requirement contemplates having a person present who can settle the case during the course of the conference without consulting a superior.
- b) Prior to the settlement conference, the attorneys are directed to discuss settlement with their respective clients and insurance representatives, and opposing parties are directed to discuss settlement so the parameters of the settlement have been explored well in advance of the settlement conference.

- c) **A settlement conference statement of each party must be submitted directly to me no later than December 11, 1997.** This statement should set forth the relevant positions of the parties concerning factual issues, issues of law, damages, and the settlement negotiation history of the case, including a recitation of any specific demands and offers that have been conveyed. Copies of your settlement conference statements are to be promptly transmitted to all counsel of record. The settlement conference statement may not exceed five pages in length.
- d) Accompanying each party's submission to the court of its settlement statement should be a separate **ex parte** letter to the court indicating the minimum (or, if applicable, maximum) requirement of the party for which they would be willing to settle. **This statement is kept confidential.**
- e) The purpose of the settlement conference is to permit an informal discussion between the attorneys and parties on every aspect of the lawsuit that bears on settlement. It is my usual practice to privately express my views concerning the settlement value of the parties' claims. To promote a full and open discussion, neither the settlement conference statements nor communications of any kind occurring during the settlement conference may be used by any party with regard to any aspect of litigation or trial of the case.

SO ORDERED this 9th day of October, 1997, at Milwaukee, Wisconsin.

WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge

November 5, 1996

Re:

Dear Counsel:

This court will conduct a scheduling conference relative to the above-captioned matter on _____ at 9:15 a.m., in Room 445, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin. Any attorney located more than 100 miles from the courthouse may participate via telephone. If you choose to participate via telephone, please contact my chambers with a telephone number where you can be reached at the above-mentioned time. The court will initiate the call.

At this conference, each party should be prepared to provide the following information as required by Local Rule 7.04:

1. A brief statement of the nature of the case.
2. The nature of further discovery each party contemplates and the amount of time it may take to complete discovery.
3. Any motions which are contemplated at this time.
4. The estimated trial length and whether a jury is requested.
5. Such other matters as may affect further scheduling of this case for final disposition.

It is anticipated that the parties will have completed mandatory discovery pursuant to Local Rule 7.07 prior to the scheduling conference.

Very truly yours,

WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Plaintiff,

v.

CASE NO.

Defendant.

SCHEDULING ORDER

On _____ 1997, the court conducted a scheduling conference, in accordance with Fed. R. Civ. P. 16 and Local Rule 7.04. Appearing on behalf of the plaintiff was _____ and on behalf of the defendant was _____. This case shall be governed by the applicable provisions of this district's Civil Justice Reform Act Expense and Delay Reduction Plan, effective January 1, 1992.

IT IS HEREBY ORDERED,

1. The plaintiff shall disclose all expert witnesses, in accordance with Local Rule 7.07(d)(1) no later than _____ 1997.
2. The defendant shall disclose all expert witnesses, in accordance with Local Rule 7.07(d)(1) no later than _____ 1997.
3. All discovery is to be completed in accordance with Local Rule 7.01 by 1997.
4. All dispositive pretrial motions, together with briefs, are to be filed in accordance with Local Rule 6, and no later than _____ 1997.

5. A final pretrial will be conducted on July 11, 1996 at 9:00 a.m. in Room 445 of the U.S. Courthouse, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

6. A jury trial will be conducted on _____ 1996, at _____ a.m.

7. Parties are to prepare and file final pretrial reports in accordance with Local Rule 7.06. Reports are due 10 days before the scheduled start of the trial or, if a final pretrial conference is scheduled, three days before the conference. The report must be signed by the attorney (or a party personally, if not represented by counsel) who will try the case. Sanctions, which may include the dismissal of claims and defenses, may be imposed if a final pretrial report is not filed.

The report must include the following:

- a. A short summary statement of the facts of the case and theories of liability or defense. The statement should not be longer than two pages.
- b. A statement of the issues.
- c. The names and addresses of all witnesses expected to testify. A witness not listed will not be permitted to testify absent a showing of good cause.
- d. If expert witnesses are to be used, a narrative statement of the experts' background.
- e. A list of exhibits to be offered at trial. In addition, the list of exhibits should be prepared using the form attached to this Order. Exhibits should be numbered sequentially, plaintiff beginning with "1," defendant beginning with "101."

- f. A designation of all depositions or portions of depositions to be read into the record at trial as substantive evidence. Reading more than five pages from a deposition will not be permitted unless the Court finds good cause for permitting such readings.
- g. Counsel's best estimate on the time needed to try the case.
- h. If scheduled for a jury trial:
 - 1. All proposed questions that counsel would like the Court to ask on voir dire.
 - 2. Proposed instructions on substantive issues.
 - 3. A proposed verdict form.
- i. If scheduled for a court trial, proposed findings of fact and conclusions of law. See Rule 52 of the Federal Rules of Civil Procedure.

8. In addition to completing a report, counsel are expected to confer and make a good faith effort to settle the case. Counsel are also expected to arrive at stipulations that will save time during the trial.

SO ORDERED this day of , 1997, at Milwaukee, Wisconsin.

WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge

schedord.consent