

FILED

APR 18 2019

DANE COUNTY CIRCUIT COURT

LEONARD POZNER VS. JAMES FETZER, ET AL.
CASE NO. 18CV3122
TELEPHONE MOTION HEARING
4/18/2019

MOTION FOR ORDER FOR GENETIC TESTING

Court questioned parties.

Argument by counsel.

Court granted mtn but denied proposed order.

Court appointed an expert examiner. DNA Diagnostics Center (DDC) – Dr. Michael Baird – contact person Tanya Powell – number provided.

Atty Zimmerman to draft order.

RE: STIPULATION TO CONTINUE PRE-TRIAL SCHEDULING AND DISPOSITIVE MOTION DATES

All parties in agreement with amendment.

Court indicated the proposed dates do not work to be able to keep the trial dates. The decision on the dispositive motions is too close to the FPT.

Atty Petale suggests pushing back the trial.

Atty Zimmerman opposes adjournment of the trial dates.

Court denied stipulation to amend.

Parties can still talk and propose dates that do not jeopardize the trial dates.

MTN TO DISMISS/STRIKE COUNTERCLAIM

Briefing schedule is already set.

Court discussed and questioned atty Petale.

Court suggests bifurcating the original cause of action and the counterclaim.

Atty Zimmerman does not object.

Discussion re: options:

- 1) apply the automatic stay that is per statute upon filing of mtn to dismiss;
- 2) bifurcate;
- 3) voluntary dismissal w/o prejudice with right to refile.

Atty Petale wants the schedule to remain or time to discuss options with his client.

Mr. Fetzer made comments.

No opinion from defn Palecek.

Court ordered bifurcation, vacated briefing schedule, and stayed discovery on counterclaim.

MTN CONFIDENTIALITY ORDER

Court will not rule today.

Atty Petale doesn't object to basic information being protected, such as social security numbers, but wants more details on what information is being requested to be marked as confidential.

Atty Zimmerman to work with the parties.

Date set to hear motion: 4/26/19 at 10:30 by phone.