

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

M.N.,

Plaintiff,

v.

MONONA GROVE SCHOOL DISTRICT, ET AL.,

Case No: 3:22-cv-289

Defendants.

JOINT RULE 26(f) REPORT ON DISCOVERY PLANNING CONFERENCE

Pursuant to the Court's Standing Order for counsel to conduct a discovery conference and file a report, the parties submit the following Fed. R. Civ. P. 26(f) Written Report and Proposed Discovery Plan:

(1) A concise statement of the nature of the case. Plaintiff, a student, alleges that on 9 April 2022, he was attending a field trip with the Black Student Union of Monona Grove High School. While on the way home, the bus stopped at a McDonald's in Louisiana for dinner. Plaintiff alleges that the defendants, Monona Grove School District employees, unreasonably searched him or unreasonably failed to stop a search of him.

Plaintiff now brings a 42 U.S.C. § 1983 claim alleging that the Defendants illegally searched him by forcing him to empty his pockets, intentionally or recklessly discriminated against him and intentionally engaged in a racially discriminatory seizure and search of him, without reasonable cause, all in violation of the United States Constitution.

Defendants deny that they acted in a manner that violated plaintiff's constitutional

rights or was otherwise unlawful. Further, defendants assert that even if plaintiff's rights were violated, the individual Defendants are entitled to immunity from suit.

(2) The names of any related cases. The parties agree that there are not any related cases.

(3) A specific statement of the material factual and legal issues to be resolved at trial.

a. Factual Issues

- i. Whether Defendants illegally searched and seized Plaintiff or failed to intervene to prevent an illegal search and seizure.
- ii. Whether the Defendants' actions were unconstitutionally discriminatory.
- iii. Whether the Defendants acted maliciously, wantonly, or oppressively.
- iv. The nature and extent of Plaintiff's claimed physical, emotional, and economic injuries.

b. Legal Issues

- i. Legal issues relating to the elements of Plaintiff's claims.
- ii. The availability of qualified immunity to the individual Defendants.

(4) A description of any amendments to the pleadings that any party intends to make. The parties do not anticipate amending the pleadings.

(5) The identity of any new parties to be added, including explanation as to why these parties must (or should) be added. The parties do not anticipate adding new

parties.

(6) The estimated trial length. The parties estimate that 5 days will be needed for trial.

(7) Any other matter affecting the just, speedy and inexpensive disposition of this case, or which the Court should take into account in setting the schedule. In addition to the items discussed in paragraphs 1 through 6 above – which are required pursuant to this Court’s Order governing preliminary pretrial conferences – the parties also discussed the following matters listed under Fed. R. Civ. P. 26(f):

(a) The possibility of promptly settling or resolving the case. The parties agree to consider third-party neutral mediation upon completion of discovery, or earlier, if useful.

(b) Disclosures under Fed. R. Civ. P. 26(a)(1). The parties shall submit their Initial Disclosures under Rule 26(a)(1) on or before the date listed in the below proposed schedule. The parties request no other change in the form of the disclosures.

(c) Preserving discoverable information. The parties do not anticipate any issues with preservation of discoverable information.

(d) Discovery plan.

i. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues.

The subjects of discovery will be primarily focused on the actions of Plaintiff and Defendants on 9 April 2022 and will not need to be conducted in phases.

ii. Any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be

produced.

The parties agree that to the extent discovery in this case includes the production of electronically stored information, they will discuss and seek agreement on protocols with respect to the identification, review, and production of electronically stored information as necessary.

- iii. Any issues about claims of privilege or of protection as trial-preparation materials, including - if the parties agree on a procedure to assert these claims after production - whether to ask the Court to include their agreement in an order.**

The parties propose that any privilege logs will be served simultaneously with written responses and/or objections to document production.

- iv. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.**

None. The parties may however agree to protect or redact information relating to the identities of minors in documents filed with the Court. The parties may also agree to limit the redisclosure of information regarding minors disclosed in discovery.

- v. Service by email and electronic copies.**

The parties agree that service by electronic means shall be allowed as set forth in Fed. R. Civ. P. 5(b)(2)(E) and that such service shall be considered personal service under the Federal Rules and complete upon transmission, such that three days are not added to the response deadline under Fed. R. Civ. P. 6(d), provided that the sender does not receive any indication that such electronic transmission was unsuccessful. The parties agree that copies of all written discovery requests shall be provided in editable form (e.g., in

Microsoft Word).

vi. Proposed schedule. The parties request a deadline for Fed. R. Civ. P. 26(a)(1) disclosures of October 1, 2022. The parties further request that the Court enter its standard Preliminary Pretrial Conference Order, including deadlines for expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2), dispositive motions, the completion of all discovery, disclosures pursuant to Fed. R. Civ. P. 26(a)(3), and motions in limine, with a trial date on or after November 6, 2023.

Dated this 25th day of August, 2022.

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