

FILED
11-08-2023
Clerk of Circuit Court
Outagamie County
2023CV000345

DATE SIGNED: November 7, 2023

Electronically signed by Mark J. McGinnis
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

OUTAGAMIE COUNTY

SCOTT SCHARA,

et al.,

Case No. 2023-CV-345

v.

Judge Mark J. McGinnis

ASCENSION HEALTH,

et al.,

Defendants.

ORDER RESULTING FROM OCTOBER 30, 2023 HEARING

On October 30, 2023, each of the parties to the above captioned case appeared by counsel in the Outagamie County Circuit Court, the Honorable Mark J. McGinnis presiding.

The Court made oral rulings on all pending defense motions to dismiss, summarized as follows:

1. The motions to dismiss Plaintiff's Claim for Battery (Count IV) are DENIED;
2. The motions to dismiss Plaintiff's Claim for Declaratory Judgment (Count V) are DENIED;

3. The motion to dismiss all claims against Dr. Daniel Leonard is DENIED;
4. The motions to dismiss any claim for punitive damages and Mr. Schara's claims for emotional distress are GRANTED IN PART and DENIED IN PART. These motions are GRANTED with respect to claims made under Wisconsin Statutes Chapter 655 and DENIED with respect to claims made outside Chapter 655.

The Court further established a scheduling order, which is here and now reduced to writing:

1. Answers to the Amended Complaint: November 30, 2023.
2. Plaintiff's experts identified and reports served: February 26, 2024.
3. Defense experts identified and reports served: May 26, 2024.
4. Plaintiff's rebuttal reports: June 26, 2024.
5. Dispositive motion deadline: August 2, 2024.
6. Discovery closes: September 30, 2024.
7. Mediation is not ordered.
8. Hearing on all motions, along with a final pre-trial conference: October 1-2, 2024.
9. Jury trial: November 4 - 22, 2024.

The parties each consent to the entry of this Order.

It is so ORDERED.