

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 4

DANE COUNTY

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FREEDOM FROM RELIGION  
FOUNDATION, INC. and  
PATRICK ELLIOTT

Plaintiffs,

v.

Case No. 14-CV-3429  
30701 Declaratory Judgment;  
30952 Petition for Writ of Mandamus

WISCONSIN OFFICE OF THE  
COMMISSIONER OF INSURANCE and  
THEODORE NICKEL,  
in his official capacity as  
Commissioner of Insurance

Defendants.

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ORDER

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The Court held a scheduling conference in the above matter on August 10, 2015, at 8:45 AM, on Defendants' Motion for a Judgment on the Pleadings and Alternative Motion for Protective Order, dated March 5, 2015, and Plaintiffs' Motion for Clarification, dated June 2, 2015. Plaintiffs appeared by their counsel, Christa Westerberg, and Defendants appeared by their counsel, Daniel Lennington.

For the reasons stated on the record on August 10, 2015, it is ORDERED that:

1) The Court AMENDS page 7 of its May 22, 2015 Decision on Defendants' Motion for Judgment on the Pleadings, or, In the Alternative, Motion for Protective Order, and Order for *In Camera* Inspection, and DENIES Defendants' Motion for Judgment on the Pleadings as to Plaintiffs' mandamus claim regarding the July 24, 2014 email string. The

Court GRANTS Plaintiffs' request for mandamus relief as to the July 24, 2014, email string, and ORDERS Defendants to produce the email string to Plaintiffs.

2) The Court GRANTS Defendants' Motion for Judgment on the Pleadings as to records Plaintiffs generally allege have been withheld, and DENIES Plaintiffs' request to obtain responses to discovery.

3) The Court shall hear the parties' arguments on damages, attorneys' fees and costs, and punitive damages on October 26, 2015, at 2:30 PM. Prior to the hearing the parties shall file and serve briefs and supporting documents on the following schedule: Plaintiffs' opening brief, September 11, 2015; Defendants' response, October 12, 2015; Plaintiffs' reply, October 19, 2015.

Dated this 18<sup>th</sup> day of August, 2015.

By the Court:



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Hon. Amy Smith