

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

CODY FLACK and  
SARA ANN MAKENZIE,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES and  
LINDA SEEMEYER, in her official capacity  
as Secretary of the Wisconsin Department of  
Health Services,

Defendants.

Case No. 3:18-cv-00309-wmc  
Judge William Conley

**JOINT MOTION TO SET PRE-HEARING STATUS CONFERENCE**

Plaintiffs Cody Flack and Sara Ann Makenzie, and Defendants Wisconsin Department of Health Services and Linda Seemeyer (collectively, the “Parties”), jointly move this Court to set a telephonic status conference at the earliest possible date for the Parties and the Court to confer about their respective expectations about the upcoming hearing on Plaintiffs’ Motion for Preliminary Injunction [Dkt. No. 18] on July 19, 2018 and to set, if necessary, pre-hearing deadlines.

In particular, the Parties wish to discuss the following issues with the Court: (1) whether the Court wishes for the Parties to present live testimony from fact and/or expert witnesses at the hearing; (2) if witness testimony is contemplated, whether the Court will permit remote testimony by telephone or video-teleconference for out-of-town witnesses, or, in the alternative, permit testimony by prior deposition for witnesses unavailable to testify in person; and (3) whether, at Defendants’ request (which Plaintiffs will likely oppose) (a) the hearing should be rescheduled to July 23, 24, 25, or 26, to accommodate the schedule of Defendants’ medical

expert (should his testimony be necessary) who is unavailable on July 19 and since Plaintiffs have not yet produced medical records from Cody Flack's treating therapist, Daniel Bergman, which Plaintiffs have requested from Mr. Bergman but not yet obtained, (b) Defendants' deadline to file a response brief be moved to a week prior to any new hearing date, (c) Plaintiffs' reply deadline also be moved accordingly.

Based on the foregoing, the Parties respectfully request that the Court grant this motion and set a telephonic status conference at the earliest possible date.

Dated: July 2, 2018

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