

**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 FOR SECOND CONTINUANCE OF
TELEPHONE PRETRIAL 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 for a second continuance of the Telephone Pretrial Conference (“Conference”), currently set for July 24, 2018 at 1 p.m., for on or after September 7, 2018. In support of this motion, the Parties state the following:

1. The Court initially set the Conference for June 20, 2018 in a docket entry dated May 30, 2018.
2. On June 1, 2018, the Parties jointly moved the Court to continue the Conference because of the briefing and hearing schedule on Plaintiffs’ Motion for Preliminary Injunction [Dkt. No. 38]. At that time, Defendants’ reply brief was due on June 14, 2018 and the hearing was set for June 27, 2018. The Parties agreed it would be prudent to continue the Conference for at least 30 days in light of that schedule.

3. On June 1, 2018, the Court granted the motion to continue the Conference until July 24, 2018 at 1 p.m [Dkt. No. 39].

4. On June 5, 2018, the Court issued a text only order [Dkt. No. 40] amending the briefing schedule and hearing date on Plaintiffs' motion for preliminary injunction, extending Defendants' opposition brief deadline to July 12, 2018 and re-setting the hearing for July 19, 2018. On June 15, 2018, the Court granted Plaintiffs leave to file a reply brief by July 16, 2018.

5. Because of the amended briefing deadlines and hearing date on Plaintiffs' preliminary injunction motion, the Parties believe an additional continuance of the Conference is necessary. Considering the vacation schedules and other case commitments of the Parties' attorneys, the Parties agree that the Conference should be re-set for on or after September 7, 2018.

Based on the foregoing, the Parties respectfully request that this Court continue the Telephone Pretrial Conference and re-set the date of that conference to on or after September 7, 2018.

Dated: July 6, 2018

/s/ Joseph J. Wardenski
Joseph J. Wardenski
Jennifer I. Klar
Orly May
RELMAN, DANE & COLFAX PLLC
1223 19th Street, NW, Suite 600
Washington, DC 20036
Telephone: (202) 728-1888
Facsimile: (202) 728-0848
jwardenski@relmanlaw.com
jklar@relmanlaw.com
omay@relmanlaw.com

Respectfully submitted,

Brad D. Schimel
Attorney General of Wisconsin

/s/ Steven C. Kilpatrick
Steven C. Kilpatrick
Assistant Attorney General
State Bar #1025452

Jody J. Schmelzer
Assistant Attorney General
State Bar #1027796

Robert Theine Pledl
Mark A. Peterson
Daniel A. Peterson
MCNALLY PETERSON, S.C.
1233 North Mayfair Road, Suite 200
Milwaukee, WI 53226-3255
Telephone: (414) 257-3399
Facsimile: (414) 257-3223
rpled@mcpetelaw.com
mpeterson@mcpetelaw.com
dpeterson@mcpetelaw.com

Abigail Coursolle
Catherine McKee
NATIONAL HEALTH LAW PROGRAM
200 N. Greensboro Street, Suite D-13
Carrboro, NC 27510
Telephone: (919) 968-6308
Facsimile: (919) 968-8855
coursolle@healthlaw.org
mckee@healthlaw.org

Attorneys for Plaintiffs

Colin T. Roth
Assistant Attorney General
State Bar #1103985

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-1792 (SCK)
(608) 266-3094 (JJS)
(608) 264-6219 (CTR)
(608) 267-2223 (Fax)
kilpatricksc@doj.state.wi.us
schmelzerjj@doj.state.wi.us
rothct@doj.state.wi.us

Attorneys for Defendants