

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JILL BATES,
Plaintiff,

Case No. 2:17-cv-00346

v.

PREMIER FINANCIAL CREDIT UNION,
Defendant.

JOINT RULE 26(f) REPORT AND DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f), Plaintiff Jill Bates and Defendant Premier Financial Credit Union, by their attorneys, submit this Joint Rule 26(f) Report and Discovery Plan after conferring on April 20, 2017. The Fed. R. Civ. P. 16(b) scheduling conference is scheduled for May 25, 2017 at 11:30 a.m. Attorney Heidi Miller will appear for Plaintiff at telephone number (309) 258-8847. Attorneys John Pollock and/or Ericka Piotrowski will appear for Defendant at telephone number (262) 784-8800.

STATUS OF CASE

(A) Nature of Case.

This case arises out of an alleged violation of the Fair Credit Reporting Act (“the Act”) by Defendant Premier Financial Credit Union (“Premier”). Plaintiff Jill Bates alleges that on Sep. 21, 2015, Premier obtained a copy of her credit report without a permissible purpose. Bates alleges Premier’s actions were willful. She also claims Premier violated her right of privacy under Wis. Stat. § 995.50. She seeks actual damages, attorney’s fees, statutory damages and punitive damages.

Premier admits it obtained a copy of Bates’ credit report. Premier asserts its actions were accidental and not willful.

(B) Related Cases.

None.

(C) Factual and Legal Issues

1. Whether Premier violated the Act;
2. If Premier violated the Act, whether the violation was willful;
3. Whether Premier violated Bates' right to privacy under Wis. Stat. § 995.50.
4. The nature and extent of Bates' damages.

(D) Amendments to Pleadings

The Parties do not anticipate any amendments to the pleadings at this time. However, any such amendments, if they arise, will be made pursuant to Fed. R. Civ. P. 15.

(E) Expert Disclosures

The Parties have agreed to the following deadlines for Fed. R. Civ. P. 26 disclosures of experts:

1. Proponent – Aug. 1, 2017
2. Respondent – Nov. 1, 2017

(F) Additional Parties

None.

(G) Summary Judgment

The Parties have agreed the deadline for all summary judgment motions shall be March 1, 2018.

(H) Estimated Length of Trial

The Parties estimate trial of the matter will require 3 days.

(I) Jury Trial

Plaintiff requested a jury trial.

(J) Mediation

The Parties have discussed and consent to mediation in this case.

(K) Other Matters

None.

DISCOVERY PLAN

(A) Initial Disclosures

The Parties have agreed to exchange their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) by May 18, 2017.

(B) Subjects, Timing and Sequence of Discovery

The Parties have agreed to a deadline for discovery to be concluded of Jan. 15, 2018. Discovery is anticipated on the issues set out in the Status of the Case section (C) above. The Parties anticipate they will use written discovery (interrogatories, requests for production and requests to admit) as well as depositions.

(C) Electronic Discovery.

At this time, the parties do not anticipate any special issues related to the discovery of electronic information but will promptly address any issues that do arise during the course of discovery. If there is electronically stored information responsive to the parties' written discovery requests, the parties will produce the information via PDF format. Additionally, the parties reserve the right to request the information in native format if deemed necessary and in accordance with Fed. R. Civ. P. 26(b)(2)(B).

(D) Privilege Issues.

The Parties do not anticipate any disputes regarding privilege and if they arise, agree to

resolve them through mutual agreement or application to Court.

(E) Limitations on Discovery.

The Parties will work within the limitations established under the Federal Rules and seek further discovery as needed either through mutual agreement or application to the Court.

(F) Other Orders.

The Parties expect they will be able to stipulate to a protective order. They anticipate submitting same to the Court at or near the time of this Joint Rule 26(f) Report and Discovery Plan.

Dated: April 26, 2017

DeLADURANTEY LAW OFFICE, LLC

By: /s/ Heidi N. Miller

Heidi N. Miller

Attorneys for Plaintiff Jill Bates

Dated: April 26, 2017

LITCHFIELD CAVO LLP

By: /s/ John L. Pollock

John L. Pollock

Attorneys for Defendant Premier
Financial Credit Union