

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
Milwaukee Division**

SCHUYLER FILE,

Plaintiff,

v.

JILL M. KASTNER, *et al.*,

Defendants.

No. 2:19-cv-01063

**PLAINTIFF’S RESPONSE TO
STATE DEFENDANTS’ MOTION TO STAY PROCEEDINGS**

Plaintiff opposes the motion to stay proceedings pending resolution of the motion to dismiss. Plaintiff does not intend to engage in any discovery and agrees with the State Defendants that the issues in this case “are purely legal.” State Defendants’ Memo. Supporting Motion to Stay, Doc. 17, at 4. He does not believe the case will require “written discovery,” “depositions,” or other “motion practice.” *Id.* at 8. It will thus not impose on the justices’ time. *But see id.*

Plaintiff believes the number of “material facts” is very limited and clear-cut: beyond a declaration of his own, he needs only cite the Wisconsin Supreme Court’s own rules and decisions for facts. Thus, this is a case suited for resolution on summary judgement, as “there is no genuine dispute of material fact and the moving party is

entitled to judgment as a matter of law.” *Milliman v. Cty. of McHenry*, 893 F.3d 422, 430 (7th Cir. 2018) (citing Fed. R. Civ. P. 56(a)). By not entering a stay, the Court permits the Plaintiff to promptly proceed with a motion for summary judgment which allows him to make his substantive arguments on the merits of the law.

Respectfully Submitted,

SCHUYLER FILE

/s/ Daniel R. Suhr

Daniel R. Suhr (Wisconsin #106558) (admitted EDWI May 6, 2019)
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CERTIFICATE OF SERVICE

On Friday, December 5, 2019, I caused this response to be served on the Court and counsel for both sets of defendants via CM/ECF. Per the Court's standing order, I am also mailing a single courtesy copy to chambers.

/s/ Daniel R. Suhr

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