

## **APPENDIX**

### **Appendix Item I**

#### **UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

#### **ORDER**

August 20, 2021

Before

Diane P. Wood, Circuit Judge  
David F. Hamilton, Circuit Judge  
Amy J. St. Eve, Circuit Judge

The following are before the Court:

1. Petition for Writ of Mandamus, filed on August 17, 2021, by (sic) counsel for the petitioners.
2. Letter, filed on August 19, 2021, by (sic) counsel for the petitioners.

It is ordered that the petition for writ of mandamus is denied.

## **Appendix Item II**

### **UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN**

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**WILLIAM J FRENCH,  
SANDRA M FRENCH,  
Plaintiffs,**

**Case No. 20-cv-1090 bhl v.**

**NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,  
NORTHWESTERN LONG TERM CARE  
INSURANCE CO,  
Defendants.**

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### **ORDER**

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On November 11, 2020, Defendants filed a motion for judgment on the pleadings. (ECF No. 23.) At a November 19, 2020, scheduling conference, the Court set a schedule for briefing and oral argument on the motion and the parties confirmed their agreement not to proceed with discovery pending resolution of defendants' motion. (ECF No. 27.) The motion for judgment on the pleadings has been fully briefed since April 2, 2021. (See ECF No. 36.) Oral argument was cancelled after plaintiffs' former counsel withdrew. (ECF No. 31.) Given the agreed upon schedule, the Court has not entered a scheduling order.

Since their counsel withdrew, plaintiffs have, without counsel, filed five different motions for full or partial summary judgment. (ECF Nos. 37, 39, 42, 44, & 45.) On July 21, 2021, defendants filed an expedited motion to hold plaintiffs' motion(s) for partial summary judgment in abeyance. (ECF No. 48.) The defendants indicate the motion is opposed.

After reviewing the record of the case and defendants' expedited motion, the Court will grant the defendants' request for a stay. This case should proceed in an orderly and logical way, consistent with the parties' discussion at the scheduling conference. Accordingly, the Court will also deny the plaintiffs' motions for partial summary judgment without prejudice. Those motions are premature at this point. Summary judgment may be appropriate in this case, but only after the motion for judgment on the pleadings has been resolved. Should the case survive judgment on the pleadings, the Court will set a schedule and allow plaintiffs to refile their motion for summary judgment in accordance with the Local Rules. Accordingly,

IT IS HEREBY ORDERED that defendants' motion, ECF No. 48, is GRANTED, this case is STAYED, and the motion for judgment on the pleadings, ECF No. 23, is taken under advisement. The parties are directed to halt any litigation of this matter until the Court has rendered a decision on the motion for judgment on the pleadings.

IT IS FURTHER ORDERED that the plaintiffs' motions for summary judgment, ECF Nos. 42, 44, and 45, are DENIED without prejudice. Plaintiffs will be

allowed to refile their motions at a later date, if appropriate.

Dated at Milwaukee, Wisconsin on July 23,  
2021.

s/ Brett H. Ludwig

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BRETT H. LUDWIG United  
States District Judge