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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

TRACY CAEKAERT, and CAMILLIA
MAPLEY,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC., WATCH TOWER BIBLE AND
TRACT SOCIETY OF
PENNSYLVANIA, and BRUCE
MAPLEY SR.,

Defendants.

Cause No. CV 20-52-BLG-SPW

**DEFENDANT WATCHTOWER
BIBLE AND TRACT SOCIETY OF
NEW YORK, INC.'S UNOPPOSED
MOTION FOR MODIFIED
BRIEFING SCHEDULE**

WATCHTOWER BIBLE AND
TRACT SOCIETY OF NEW YORK,
INC.)

Cross-Claimant,)

vs.)

BRUCE MAPLEY SR.,)

Cross-Claim Defendant.)

COMES NOW, Defendant Watchtower Bible and Tract Society of New York, Inc. (“WTNY”), by and through its attorneys of record, and respectfully moves for a modified briefing schedule as to its disclosed damages expert and Rule 35 examiner Michael Bütz, PhD. Counsel for WTNY has conferred with Plaintiffs’ counsel, and this Motion is unopposed. In support of this Motion, counsel for WTNY represents as follows:

Following disposition of WTNY’s Motion for Order Directing Rule 35 Examinations (Doc. 266) and Plaintiff’s Notice of Non-Compliance with Court Order and Motion for Protective Order (Doc. 307), Dr. Bütz supplied counsel with a proposed examination schedule as follows:

Ms. Schulze
Billings, Montana
Aspen Practice, P.C.
March 22nd and 23rd

Ms. Rowland
Billings, Montana
Aspen Practice, P.C.
April 26th and 27th

Ms. Caekaert
Phoenix, Arizona
Site to be determined
May 24th and 25th

Ms. Mapley
Mansfield, Victoria, Australia
Site to be determined
June 14th and 15th

Counsel previously stipulated that defendants WTNY and Watchtower Bible and Tract Society of Pennsylvania would supplement their Joint Damages Expert Disclosure with Dr. Bütz's reports at the conclusion of the examinations. Dr. Bütz has since indicated his reports will be prepared following the conclusion of Ms. Mapley's exam, no later than July 8, 2024. Dr. Bütz also agreed to make himself available for depositions for a 2-day block on July 25 and 26, 2024.

Counsel have been diligently working on the logistics of these examinations, and are attempting to do everything possible to complete this segment of discovery in advance of the trial date, August 12, 2024. However, in the event Plaintiffs determine any pre-trial motions are necessary regarding Dr. Bütz, the current schedule leaves little time to brief motions, much less receive a ruling in advance of trial.

Counsel for WTNY proposes the following modified briefing schedule:

1. Plaintiffs shall file any Motions challenging Dr. Bütz's testimony no later than August 2, 2024;
2. Defendants shall file written responses no later than 7 days later on August 9, 2024;
3. Plaintiffs shall not be entitled to file any reply briefs;
4. The parties agree the Court may defer ruling on any Motions until time of trial.

A proposed Order is submitted herewith pursuant to L.R. 7.1(c)(3).

DATED this 29th day of February, 2024.

By: /s/ Brett C. Jensen
Jon A. Wilson / Brett C. Jensen /
Michael P. Sarabia
BROWN LAW FIRM, P.C.
*Attorneys for Defendant Watchtower
Bible and Tract Society of New York,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on February 29, 2024, a copy of the foregoing was served on the following person(s):

1. U.S. District Court, Billings Division
2. Robert L. Stepans/Ryan R. Shaffer/James C. Murnion/Victoria K.M. Gannon
MEYER, SHAFFER & STEPANS, PLLP
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Missoula, MT 59802

3. Matthew L. Merrill (appearing *pro hac vice*)
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MOULTON BELLINGHAM PC
P.O. Box 2559
Billings, MT 59103-2559
5. Bruce G. Mapley Sr.
3905 Caylan Cove
Birmingham, AL 35215

by the following means:

<u>1-4</u>	CM/ECF	<u> </u>	Fax
<u> </u>	Hand Delivery	<u> </u>	E-Mail
<u>5</u>	U.S. Mail	<u> </u>	Overnight Delivery Services

By: /s/ Brett C. Jensen
Jon A. Wilson / Brett C. Jensen /
Michael P. Sarabia
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Inc.*