

STATE OF WISCONSIN

IN SUPREME COURT

FILEDIN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST H. CRAIG HAUKAAS,

DEC 28 2020

LAWYER REGULATION SYSTEM,

CLERK OF SUPREME COURT
OF WISCONSIN

Complainant,

Case No. 2019 AP 579-D

vs.

Case Code 30912

H. CRAIG HAUKAAS,

Respondent.

ORDER ON RESPONDENT'S MOTIONS TO COMPEL AND ADJOURN

A telephonic hearing on the respondent's motions to compel and adjourn was held in the above-entitled matter December 23, 2020, at approximately 1:30 p.m. The complainant appeared and was represented by Attorney Gregory P. Seibold. The respondent appeared in person and without counsel. After consideration of the motions and filed responses and replies in support of and opposition to the motions to compel and to adjourn, and hearing counsel in argument on the record, and being advised in the premises, NOW, THEREFORE,

IT HIS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. The complainant Lawyer Regulation System (LRS) is an arm of the Wisconsin Supreme Court, the superintending authority of the judicial branch of Wisconsin state government. The LRS is not an agency of the executive branch of state government, or of any branch, level or agency of local government, including those in Bayfield County, Wisconsin.
2. The LRS has no duty or legal responsibility to engage in investigative tasks on behalf of or as requested by the respondent, including any obligation to obtain records requested by

respondent which might be in the possession of Bayfield County law enforcement agencies or the Bayfield County circuit court.

3. LRS is legally obligated to abide by statutes and rules of practice concerning discovery of matters in which it is participating, including the present case, and is governed by the Wisconsin Rules of Civil Procedure and the orders of the referee with reference thereto.

4. The LRS is required to provide discovery of documents within its possession, including those possessed by its investigator assigned to this matter, unless the referee rules otherwise sustaining an objection to produce.

5. The LRS has raised objections to the respondent's second request for production of documents dated October 16, 2020, and subsequently served upon it through its legal counsel. Those objections are that the respondent's requests are (1) overbroad; (2) unduly burdensome; (3) not likely to lead to discovery of relevant evidence; and (4) at least to some extent, not in the possession of the complainant.

6. For the reasons set out in paragraph 2 of this order, the complainant's objections are sustained to the extent any of the requested documents are not currently in the possession of LRS, including its assigned investigator and counsel.

7. For the reasons set out in paragraphs 3 and 4 of this order, the complainant's objections to the respondent's document requests are denied, and it shall be compelled to produce the requested documents currently within its possession. In support of this ruling, the referee holds:

(a) The requests are not overbroad in that they are tailored to records relating to three people, Reese Bresette, Donald King and Brett Defoe, whose activities play a central role in the complainant's allegations and/or the respondent's anticipated lines of defense.

(b) The requests are not unduly burdensome as these records are not expected to exceed a few hundred pages even if they all are currently in the possession of LRS through its agents. (Based upon statements of the complainant set forth in its Response to Respondent's Motion to Compel, most of the requested records appear not to be in its possession.)

(c) The requested documents are likely to produce relevant evidence based on the respondent's representations as set forth in his various pleadings and other documents on file in this matter relating to his asserted motivations for taking certain actions regarding recovery of stolen firearms.

8. The LRS shall produce and provide to complainant the requested documents currently in its possession on or before 5:00 p.m. on Monday, December 28, 2020. The documents may be provided electronically.

9. The referee holds in abeyance and under advisement the respondent's motions to adjourn the hearing currently scheduled for January 6-8, 2021, but grants the motion to amend the scheduling order to extend the deadline for the disclosure of witnesses to a later date shortly before the scheduled hearing.

10. The 4th Amended Scheduling Order dated September 24, 2020, remains in effect, except as amended by this order, including the scheduling of the final pre-trial conference for December 29, 2020, at 11:00 a.m. Amendments to the scheduling order are as follows:

(a) The provisions of paragraph 5 of the scheduling order are amended to suspend the deadline for filing hearing memoranda, pending further rulings by the referee.

(b) The final pre-trial hearing will be held telephonically on the record in the manner arranged by the referee for the pre-trial motions.

(c) The deadline for disclosure of witnesses is suspended pending further rulings by the referee.

11. The parties are advised that all documentary or photographic evidence which they intend to offer in evidence in their cases in chief must be contained in a three-ring binder and brought to the hearing, along with an Exhibit List using the court-approved form. Complainant shall number its exhibits starting with 01 and the respondent shall number his starting with 101.

12. A copy of the binders containing the numbered exhibits and lists must be provided to the referee three days in advance of the scheduled hearing via USPS, UPS or FedEx.

Dated this 23rd day of December, 2020.


Edward E. Leineweber, Referee