

**FILED****FEB 08 2023**

## STATE OF WISCONSIN SUPREME COURT

CLERK OF SUPREME COURT  
OF WISCONSIN

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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST MATTHEW V. BURKERT, ATTORNEY AT LAW

CASE CODE 30912

OFFICE OF LAWYER REGULATION

CASE NO. 2022AP1926-D

Complainant;

MATTHEW V. BURKERT,

Respondent.

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ORDER FOLLOWING SCHEDULING CONFERENCE

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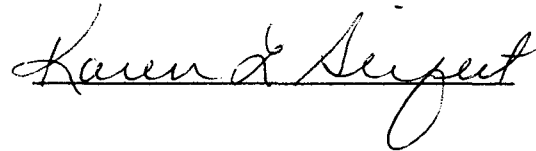
On January 23, 2023 at approximately 11:00 a.m., a telephonic scheduling conference was held in this matter pursuant to SCR 22.13. The Office of Lawyer Regulation appeared by Attorney John T. Payette. The respondent, Matthew V. Burkert, appeared by Attorney Brent D. Nistler. Based on the statements and discussions that occurred during the telephonic scheduling conference,

**IT IS ORDERED:**

- (1) The hearing in the matter will commence on November 7, 2023, at 9:00 a.m., at the Court of Appeals, 2727 N. Grandview Blvd., Waukesha, WI 53188, Suite 300. The hearing will continue at 9:00 a.m. November 8, 2023 and 9:00 a.m. on November 9, 2023 unless completed earlier.
- (2) Any amended pleadings shall be filed within 30 days of this Order.
- (3) The complainant shall file a preliminary list of witnesses on or before April 14, 2023. The respondent shall file his preliminary list of witnesses on or before May 26, 2023.
- (4) The discovery deadline is August 31, 2023, and all written discovery shall be filed early enough so that all answers shall be due before this discovery deadline. The deadline for any pre-hearing dispositive motions is September 7, 2023.
- (5) On or before October 30, 2023, each party shall file with the Referee and opposing counsel, a final witness list and a complete marked copy in PDF form of all exhibits to be used at the hearing. OLR's exhibits shall be marked beginning with exhibit 1. Respondent's exhibits shall be marked beginning with exhibit 500. Each party shall place their exhibits in a 3-ring binder in chronological order and supply both the Referee and opposing counsel with a binder containing copies of all exhibits on the day of the hearing.
- (6) Any pre-hearing motions shall be in writing. The moving party shall arrange for a three-way telephonic conference at which time the motion will be heard. Opposing counsel and the Referee should be consulted in advance as to an acceptable date and time for the three-way telephonic conference.
- (7) The scheduling conference is adjourned until 11:00 a.m., on November 1, 2023 at which time a final telephonic scheduling conference shall take place, initiated by the attorney for the complainant.

- (8) Telephonic conferences in this case will not be recorded unless a written request is made by a party.
- (9) The parties are reminded that the Referee will make a recommendation based upon the record and that she will not be aware of prior discipline, other pending matters, or other evidence, unless presented as part of this case. Also, the parties are reminded to verbally highlight, during the hearing, relevant portions of lengthy exhibits or depositions which they wish to bring to the attention of the Referee.
- (10) The parties are reminded of the need to file all original documents and correspondence with the Supreme Court, with copies to the Referee and opposing counsel with copies by way of e-mail (with attachments) followed by copies by way of US Mail.

Dated at Oshkosh, Wisconsin, this 3 day of Feb., 2023.



Karen L. Seifert

Referee