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FW: Sabina Burton v. UWP

From: **Mary Kennelly** (mkennelly@foxquick.com)

Sent: Thu 8/21/14 4:08 PM

To: Roger Burton (rogerburton@plattevillerealestate.net); Sabina Burton (sabinaburton@live.com)

Hi Roger and Sabina: See message below. It looks like any mediation is off for now. Mary

From: Bensky, Anne M. <benskyam@doj.state.wi.us>

Sent: Thursday, August 21, 2014 4:15 PM

To: Mary Kennelly

Cc: Burkert-Brist, Monica A.

Subject: RE: Sabina Burton v. UWP

Dear Mary,

The university has cancelled the mediation scheduled for tomorrow. At this point, I would like to hold off on any mediation that includes attorney participation. As we are at the infancy of this lawsuit and have not exchanged initial disclosures, I am not comfortable, at least for the time being, with my clients meeting and talking freely with opposing counsel in the room.

Monica and I are happy to discuss this further as the lawsuit progresses. Thank you for reaching out to me.

Anne M. Bensky

Assistant Attorney General

Wisconsin Department of Justice

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From: Mary Kennelly [mailto:mkennelly@foxquick.com]
Sent: Wednesday, August 20, 2014 4:33 PM
To: Bensky, Anne M.
Subject: RE: Sabina Burton v. UWP

Thanks for getting back to me. We did want to reschedule it for next week---Tuesday or Wednesday would work well. For clarification I did not ask to reschedule the Friday meeting for any reason having to do with Dr. Burton. Rather it was my schedule that necessitated the change. You had also indicated that you would want to attend a meeting if I did and so, I was trying to coordinate it with you. Thank you.

Mary E. Kennelly

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From: Bensky, Anne M. [<mailto:benskyam@doj.state.wi.us>]

Sent: Wednesday, August 20, 2014 4:24 PM

To: Mary Kennelly

Subject: RE: Sabina Burton v. UWP

Dear Mary,

At your request, I have asked for the Friday mediation be postponed due to Dr. Burton's illness. I have not been able to directly connect with Jennifer deCoste but will suggest to her that Dr. Burton reschedule the mediation at her convenience when she is well enough to attend.

I appreciate you reaching out to me prior to this meeting and agree your presence, without DOJ's participation, would create an ex parte communication issue given the current lawsuit. Should Dr. Burton elect to reschedule the mediation for next week, I can make myself available.

I will confirm cancellation of the meeting when I receive it.

Sincerely,

Anne M. Bensky
Assistant Attorney General

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From: Mary Kennelly [<mailto:mkennelly@foxquick.com>]

Sent: Tuesday, August 19, 2014 12:41 PM

To: Bensky, Anne M.

Subject: Sabina Burton v. UWP

Hello Anne:

This is a follow up to my phone call yesterday regarding the mediation/meeting that is set for this Friday. We would like to try to reschedule that to the following week –all days are good except Monday 8/25. I will be attending the meeting. In the interim I would ask that the issues to be addressed i.e. the mentorship of Valerie Stackman and teaching assignments be placed on hold and that no final decision be made on those issues until we have had an opportunity to meet. I thank you for your consideration.

Mary E. Kennelly

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