

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

HANNAH MOLITOR,

Plaintiff,

v.

ADESSA CHESTER, PAUL EICHFELD,
and HILLCREST GOLF & COUNTRY
CLUB,

Defendants.

4:23-cv-04066-LLP

JOINT DISCOVERY REPORT AND
SCHEDULING INFORMATION

The above-named parties submit the following Joint Discovery Report and Scheduling Information pursuant to the Court's Order for Discovery Report and Scheduling Information (Doc. 15).

1. The following persons participated in a Rule 26(f) conference on July 27, 2023, at 9:00 a.m. by telephone and/or Zoom:

Attorneys Nancy J. Turbak Berry, Seamus W. Culhane, and Brent W. Matter on behalf of Plaintiff Hannah Molitor ("Plaintiff").

Attorney Derek A. Nelsen on behalf of Defendant Hillcrest Golf & Country Club ("Hillcrest").

Attorneys Zach Flood and Matthew Tysdal on behalf of Defendant Paul Eichfeldt ("Eichfeld").

Defendant Adessa Chester ("Chester") appeared pro se.

2. Initial Disclosures. The parties will complete by **September 15, 2023**, the initial disclosures required by Rule 26(a)(1). Parties that previously served initial disclosures prior to consolidation of the lawsuits may rely on those disclosures.
3. Discovery Plan. The parties propose this discovery plan:
(Use separate paragraphs or subparagraphs if the parties disagree.)
 - (a) Discovery will be needed on these subjects (describe):

Liability and damages.

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

- (b) Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.

Discovery should be commenced in time to be completed by **April 26, 2024**.

- (c) Maximum number of interrogatories by each party to another party, along with the dates the answers are due.

Twenty-Five (25) interrogatories, including subparts, per party, due thirty (30) days from the date of service.

- (d) Maximum number of requests for admission, along with the dates responses are due.

Twenty-Five (25) requests for admissions, including subparts, per party, due thirty (30) days from the date of service.

- (e) Maximum number of depositions by each party.

Twelve (12) depositions per party, excluding expert witness depositions, unless otherwise agreed to or by order of the Court, as the needs of the case develop.

- (f) Limits on the length of depositions, in hours.

The parties wish to limit the length of depositions to seven hours, consistent with Federal Rule 30(d)(1). If the material cannot be covered in this amount of time, the parties will mutually agree on an additional amount of time, and if they cannot agree, they will bring an appropriate motion before the Court.

- (g) Dates for exchanging reports of expert witnesses.

Plaintiff: **February 16, 2024**
Defendants: **April 12, 2024**

- (h) Dates for supplementation under Rule 26(e).

Discovery responses should be supplemented as soon as possible, but, in any event, no later than thirty (30) days before the discovery deadline and twenty-one (21) days before motions in limine are due.

4. Other Items:

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

- (a) A date if the parties ask to meet with the court before a scheduling order.
Not applicable
- (b) Requested dates for pretrial conferences.
On or after **July 26, 2024**
- (c) Final dates for the plaintiff to amend pleadings or to join parties.
September 30, 2023
- (d) Final dates for the defendant to amend pleadings or to join parties.
September 30, 2023
- (e) Final dates to file dispositive motions.
June 28, 2024
- (f) State the prospects for settlement.
None at this time.
- (g) Identify any alternative dispute resolution procedure that may enhance settlement prospects.
None at this time.
- (h) Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.
Pursuant to the Court's typical practice described in 4(i) below.
- (i) Final dates to file objections under Rule 26(a)(3).
Pursuant to the Court's typical practice described below.

(The Court will normally order that any motions in limine, the witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists shall be submitted fourteen (14) days before the pre-trial conference, with the final time for the parties to file objections, if any, under Rule 26(a)(3) being seven (7) days before the pre-

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

trial conference. If the parties suggest a different timetable, please explain the reason for the differences for the Court's consideration.)

(j) Suggested trial date and estimate of trial length.

The parties expect five (5) days for a jury trial to be held on or after **August 1, 2024**.

(k) Other matters.

The Parties have agreed to consolidate discovery in the two cases giving rise to the Court's Order on Consolidation (Doc. 13.) Those cases are 4:23-cv-4065-LLP and 4:23-cv-4066-LLP. By so agreeing, the Parties hereby stipulate to the consolidation of discovery as contemplated by Doc. 13. As part of this stipulation, all discovery and discovery responses will be served on all parties in both cases.

5. Do the parties agree that the trial as well as all other proceedings subsequent to the return of the former Form 52 Report or some similar report be conducted by a Magistrate Judge?

No.

6. Would an early settlement conference before a Magistrate Judge be of assistance in reaching an early settlement? If not, why not?

No. The parties attempted early resolution via mediation prior to the filing of the lawsuits.

7. Description of the case.

(a) A brief narrative of the facts giving rise to the lawsuit, description of legal claims and defenses.

- This case involves conduct alleged to have occurred during the 2022 golf season at the Hillcrest Golf & Country Club in Yankton, South Dakota. Plaintiff and Chester worked at Hillcrest and Eichfeld was a member. Plaintiff alleges that both Eichfeld and Chester engaged in unwanted sexual contact and other harmful touching of Plaintiff. Plaintiff also alleges that Chester, as Plaintiff's supervisor, pressured Plaintiff to dress provocatively and consume alcohol. Plaintiff also alleges that Chester helped members of the country club engage in

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

unwanted sexual contact with Plaintiff. Plaintiff alleges several tort claims against all Defendants listed more fully in 7(b) below.

- Hillcrest, Eichfeld, and Chester deny Plaintiff's claims. Eichfeld and Chester contend that any contact with Plaintiff was consensual. Hillcrest, Eichfeld, and Chester remit Plaintiff to her burden of proof regarding any claims for damages.

Plaintiff initially served multiple lawsuits upon these multiple Defendants. The Court consolidated Plaintiff's lawsuits pursuant to a June 28, 2023 Order (Doc. 13). The lawsuits were consolidated into this current lawsuit.

(b) A brief statement of the material issues to be resolved.

- Plaintiff alleges that Hillcrest is legally liable for the acts of its employee, Adessa Chester. Plaintiff further alleges that Hillcrest's actions or inactions resulted in various employment law and Title 7 violations. Plaintiff alleges a total of ten causes of action, including: (1) battery; (2) assault; (3) intentional or reckless infliction of emotional distress; (4) negligent infliction of emotional distress; (5) invasion of privacy; (6) false imprisonment; (7) negligence; (8) reprisal discrimination; (9) sex discrimination, and; (10) sex discrimination in violation of South Dakota Humans Relations Act.
- Plaintiff alleges six causes of action against Eichfeld and Chester: (1) Battery/Aiding and Abetting Battery; (2) Assault/Aiding and Abetting Assault; (3) Intentional infliction of emotional distress/aiding and abetting intentional infliction of emotional distress; (4) negligent infliction of emotional distress/aiding and abetting negligent infliction of emotional distress; (5) invasion of privacy/aiding and abetting invasion of privacy; and (6) false imprisonment/aiding and abetting false imprisonment.
- Plaintiff seeks compensatory and punitive damages against Hillcrest, Eichfeld, and Chester.
- Hillcrest, Eichfeld, and Chester have separately answered Plaintiffs' Complaint, all denying the various allegations against them.
- Hillcrest denies the allegations made by Plaintiff against it. Hillcrest has affirmatively alleged the following in its Answers to Plaintiff's Complaint: (1) Plaintiff was not injured or damaged in the amount or to the extent alleged; (2) Plaintiff failed to mitigate her damages; (3)

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

Plaintiff failed to give Hillcrest the opportunity to correct any alleged problems with Plaintiff's employment; (4) Plaintiff failed to take advantage of any corrective or preventative opportunities provided to them; (5) after-acquired evidence may bar or limit Plaintiff's claims against Hillcrest; (6) Chester was not acting within the scope or course of employment with Hillcrest at the time of the alleged event; (7) no adverse or unwanted action was taken by or on behalf of Hillcrest; (8) no adverse, unwanted, or actionable conduct against Plaintiff was taken within the scope of her employment with Hillcrest; and (9) that punitive damages are not properly awarded to Plaintiff here.

(Remainder of this page intentionally left blank.)

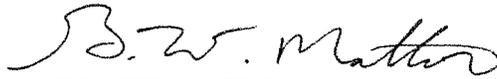
4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

Dated: July 28, 2023.

TURBAK LAW OFFICE, PC

Nancy J. Turbak Berry
Seamus W. Culhane
26 South Broadway, Suite 100
Watertown, SD 57201
(605) 886-8361
nancy@turbaklaw.com
seamus@turbaklaw.com

-and-



Brent W. Matter
MATTER LAW OFFICE, PROF. LLC
12 Church Street
Vermillion, SD 57069
(605) 624-4262
bwmatter@midconetwork.com
Attorneys for Plaintiffs

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

Dated: July 28, 2023.

FULLER, WILLIAMSON, NELSEN
& PREHEIM, LLP



Hilary L. Williamson

Derek A. Nelsen

Andrew T. Fick

7521 South Louise Avenue

Sioux Falls, SD 57108

(605) 333-0003

hwilliamson@fullerandwilliamson.com

dnelsen@fullerandwilliamson.com

afick@fullerandwilliamson.com

Attorneys for Defendant Hillcrest

Golf & Country Club

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

Dated: July 27, 2023.

HEIDPRIEM, PURTELL, SIEGEL
& HINRICHS, LLP



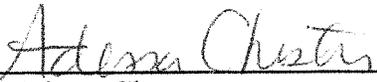
Matthew A. Tysdal
101 West 69th Street, Suite 105A
Sioux Falls, SD 57108
(605) 252-9277
matthew@hpslawfirm.com

-and-

Zachary T. Flood
ALVINE LAW FIRM, LLP
519 North Main Street
Mitchell, SD 57301
(605) 292-0809
zach@alvinelaw.com
Attorneys for Defendant Paul Eichfeld

4:23-cv-04066-LLP
Joint Discovery Report and Scheduling Information

Dated: July 27, 2023.



Ms. Adessa Chester
(605) 661-3847
dessa929@hotmail.com
Pro se Defendant