

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PROMEGA CORPORATION,

Plaintiff,

v.

APPLERA CORPORATION and  
LIFECODES CORPORATION, and its  
SUBSIDIARIES CELLMARK  
DIAGNOSTICS, INC. and GENOMICS  
INTERNATIONAL CORPORATION,

Defendants.  
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ORDER

01-C-244-C

Presently before the court is defendants' motion for leave to submit deposition testimony and a supplemental explanatory brief. Defendants submitted their motion a mere three weeks before the scheduled trial date in this case and more than a month after their responses to plaintiff's summary judgment motions were due. Defendants' motion is far too untimely to be considered. Indeed, most of the information that defendants want the court to consider is from the deposition of Jack Balantyne, which was taken more than a month ago, on September 16, 2002. Why defendants waited until October 25, 2002, to submit this testimony is unclear. Suffice it to say that defendants' explanation that it "wanted to complete all [its] depositions before deciding which particular testimony was worthy of a supplemental submission" is entirely unpersuasive. Accordingly, defendants' motion for leave to submit deposition testimony and a supplemental explanatory brief is DENIED.

Entered this 28<sup>th</sup> day of October, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge