

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

PENNY LEE ANDERSON and
RUSSELL D. ANDERSON, SR.,
on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

CAPITOL ONE BANK, FSB,

Defendant.

ORDER

04-C-096-C

The parties jointly have asked that this court allow plaintiff to file an amended class certification brief by August 13, 2004, with a response from defendant by September 3, 2004 and a reply by September 13, 2004. This proposal represents an extension of about six weeks. The main reason for the request is that the parties have fallen behind in discovery. The parties insist that this will not affect the other dates set in this case, such as the November 18, 2004 deadline for filing summary judgment motions and the March 21, 2005 trial date.

I am granting the motion in part and will allow an amended brief by July 30, a response by August 20, and a reply by August 27, which will place the parties only four weeks behind schedule.

Falling behind in discovery ordinarily is not a valid basis to obtain extensions, and there is nothing extraordinary about the parties' discovery averments in this case. This court has made it clear from the outset that it expects the parties to keep this case moving and to meet their deadlines. Further, notwithstanding the parties' assurances to the contrary, delaying a decision on the class-certification request almost certainly will have a ripple effect across the schedule, which means that in early November, the parties will be asking for a new summary judgment deadline because the contours of the case make it impossible for them to meet their deadlines.

With the understanding that the summary judgment deadline and the trial date remain firm regardless of the circumstances, I will give the parties four weeks' breathing room on the class certification issue. There shall be no further extensions of these deadlines.

Entered this 9th day of July, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge