

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

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ORLANDO MATTHEWS,

Plaintiff,

ORDER

v.

04-C-482-C

MARTEN TRANSPORT, LTD.; RANDY  
MARTEN and WILLIAM (BILL) KENNEDY,  
in their official and individual capacities,

Defendants.  
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Plaintiff has moved a second time for the appointment of counsel, for an extension of time in which to oppose defendants' motion to dismiss and to postpone the preliminary pretrial conference scheduled in this case for November 3, 2004. The theme running through plaintiff's motions is the same. Plaintiff appears to believe that without appointed counsel, he will not be able to respond to defendants' motion to dismiss or participate in the preliminary pretrial conference.

When I denied plaintiff's first motion for appointment of counsel on October 15, 2004, I told plaintiff that I could not consider whether to appoint counsel in this case until

he makes a showing that he has made reasonable efforts to find counsel on his own. I told plaintiff that if he wished, he could obtain the names of lawyers familiar with Title VII litigation by calling the Wisconsin State Bar Lawyer Referral and Information Service at P.O. Box 7158, Madison, Wisconsin, 53707, 1-800-362-8096. In addition, I suspended the schedule for briefing defendants' motion to dismiss to allow him to undertake these efforts.

A close examination of plaintiff's second motion for appointment of counsel and request for additional time to oppose defendants' motion to dismiss reveals that it must have crossed in the mail with this court's order of October 15. Plaintiff's second motion is dated October 13, 2004, (it was not filed with the court until October 19), and makes no mention of the October 15 order. Because I already have suspended the schedule for briefing defendants' motion to dismiss and explained what plaintiff will have to do before I can entertain a motion for appointment of counsel, his second motion for appointed counsel and for an enlargement of time in which to oppose defendants' motion to dismiss will be denied as moot.

Also, plaintiff's motion to postpone the preliminary pretrial conference will be denied. The purpose of a preliminary pretrial conference is to set deadlines for the filing of dispositive motions and the completion of discovery, and to schedule a date for trial, as well as to provide the parties an opportunity to ask any questions they may have about procedures to be followed in litigating the case. It is not a time at which evidence will be

taken or oral argument heard on the merits of plaintiff's claims. Plaintiff suggests no reason why he cannot participate in such a conference. Therefore, the conference will proceed as scheduled.

ORDER

IT IS ORDERED that plaintiff's second motion for appointment of counsel and for an enlargement of time within which to oppose defendants' motion to dismiss is DENIED as moot.

Further, IT IS ORDERED that plaintiff's motion to postpone the November 3, 2004 preliminary pretrial conference is DENIED.

Entered this 1st day of November, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge