

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

NANCY PROCHASKA,

Petitioner,

ORDER

v.

04-C-644-C

JOANNE B. BARNHART,
Commissioner of Social Security,

Respondent.

Following the Seventh Circuit's remand of this case, on October 20, 2006, plaintiff filed an application for an award of fees under the Equal Access to Justice Act. *See* dkt. 24. On October 23, 2006, the clerk of this court set a briefing schedule (attached) which allowed until November 13, 2006 for the government to respond and November 24, 2006 for plaintiff to reply.

The government timely responded. *See* dkt. 25. November 24 came and went without a reply. On November 30, 2006, plaintiff filed a motion for a "two week" extension of time, to December 14, 2006, within which to file her reply. *See* dkt. 26. Plaintiff contends that her reply was not due until November 30, although I can find no support for this contention in the record.

In an order entered September 13, 2006 in *Huichan v. Barnhart*, 05-C-268-C, I chastised attorney Daley for his inability to meet this court's deadlines;

Counsel's chronic problem with deadlines has been patent since 2003 at the latest, when counsel filed eight requests for extensions in four cases and was ordered by one judge in this court to stop

asking for extensions and file his motion for summary judgment or face dismissal (#03-C-164-S). Counsel has had at least three years since then to beef up his staff, yet his requests for extensions continue unabated. Enough is enough. I will give counsel this one last extension . . . Hereafter, in any SSD case assigned to Judge Crabb, this court will not grant Attorney Frederick J. Daley or any attorney in his employ any extensions based on workload. Counsel should plan accordingly.

Huichan, dkt. 23 at 2.

Here we are, not three months later, with Attorney Daley requesting an extension because he “has had numerous briefs due lately ” and all of his associates “are currently involved in briefing or supervising other matters . . .” *See* Dkt. 26 at ¶¶ 2-3.

It is ORDERED that plaintiff’s motion for an extension of her reply deadline is DENIED.

Plaintiff’s petition for fees is under advisal to the court.

Entered this 1st day of December, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge