

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

JAY SCHINDLER,

Plaintiff,

ORDER

v.

05-C-0521-C

JOSEPH SEILER and
SYNTHES SPINE CO., L.P.

Defendants.

Before the court are defendant Synthes's motion to compel third party Luther Midelfort Hospital to produce the information requested by defendant in its Rule 45 subpoena (dkt. 15), and motion to compel plaintiff to produce documents and to sign a consent form allowing third party review of certain documents (dkt. 18). Defendant also wants an extension of the summary judgment deadline from February 3 to March 6, 2006.

Having considered the submissions, it appears that there is no genuine dispute that actually requires court action, but to get this case moving I am granting the motions to compel with two conditions: First, the hospital shall redact from the disclosed documents unnecessary identifying information. Second, the parties forthwith must draft and submit for court signature a protective order adequate to maintain the confidentiality of the subpoenaed records.

I decline to extend the summary judgment motion deadline. The preliminary pretrial conference order alerted the parties in September that they were to undertake discovery in a manner that allowed them to make dispositive motions within the scheduled deadlines; that they were to file discovery motions promptly if self-help failed; and that parties who failed to do so could not seek to change the schedule on the ground that discovery proceeded too slowly. From the court's perspective at least, there still is plenty of time before the dispositive motion deadline to obtain and use the information subject to the instant motions to compel.

Accordingly, it is ORDERED that defendant's motions to compel discovery are GRANTED, subject to the conditions stated above. Each party shall bear its own costs on these motions.

Entered this 21st day of December, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge