

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

STEVEN E. HAINES, JULIETTE M. HAINES
and WILLIAM B. HAINES by his guardian
ad litem ATTORNEY MICHAEL A. SCHUMACHER,

Plaintiffs,

ORDER
06-C-095-S

and

BURNETT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
and GROUP HEALTH COOPERATIVE OF EAU CLAIRE,

Nominal Plaintiffs,

v.

NELSON TREE SERVICE, INC. And
SCHMIDY'S MACHINERY COMPANY,

Defendants.

Presently pending before the Court in the above entitled matter in response to its order awarding attorney's fees is plaintiffs' itemization totaling \$2,088.13 which is fair and reasonable and will be granted.

The failure of defendant Schmidy's Machinery Company to comply with Rule 1, Federal Rules of Civil Procedure, is considered by the Court. The delay caused by said defendant was inappropriate and unnecessary. The concerns of plaintiffs continue and relate to additional sanctions which are requested to include striking all affirmative defenses of defendant Schmidy's Machinery Company. Significant judicial resources have been wasted with defendant's dilatory conduct during the pendency of this action.

The Court has considered the memorandum in opposition to the reasonable attorney's fees and finds it wanting. Defendant Schmidy's has three additional days to respond to plaintiffs' motion for additional sanctions.

Accordingly,

ORDER

IT IS ORDERED that reasonable attorney's fees and costs in the amount of \$2,088.13 are AWARDED to plaintiffs from defendant Schmidy's Machinery Company.

IT IS FURTHER ORDERED that defendant Schmidy's may respond not later than noon June 12, 2006 to plaintiffs' motion for additional sanctions which is presently pending.

Entered this 8th day of June, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge