

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

THOMAS D. EVANS,

Plaintiff,

v.

STOUGHTON AREA SCHOOL DISTRICT,
MYRON PALOMBA and
BECKY FJELSTAD,

Defendants.

ORDER

06-C-140-C

Pursuant to United States Magistrate Judge Stephen Crocker's scheduling order entered in this case on March 1, 2007, dispositive motions were due to be filed and served no later than June 22, 2007. Defendants moved for summary judgment on that day. Plaintiff's response to the motion was due 30 days later, on July 22, 2007. However, at plaintiff's request, the deadline for responding to the motion was extended to July 27, 2007. Now plaintiff has filed his own motion for summary judgment, together with a brief, a response to defendants' proposed findings of fact and a separate document containing additional proposed findings of fact.

The magistrate judge's March 1, 2007 order states expressly that "[n]o one may file

a dispositive motion after the deadline unless the court grants permission.” Plaintiff did not request or receive permission to file a late motion. Therefore, the court will not treat plaintiff’s submission as a cross motion for summary judgment. Instead, the motion will be disregarded. Plaintiff’s brief and proposed findings of fact responding to defendants’ proposed findings of fact will be treated as a response to defendants’ motion. As for plaintiff’s additional proposed findings of fact, they will be considered only as to proposed facts numbers 5 and 14, because these are the only facts proposed by plaintiff that comply with the court’s procedures to be followed on summary judgment. (None of plaintiff’s other proposed facts are followed by citations to evidence in the record to support them as the procedures require.)

ORDER

IT IS ORDERED that plaintiff’s motion for summary judgment is DENIED as untimely. Plaintiff’s brief and response to defendants’ proposed findings of fact will be considered as plaintiff’s response to defendants’ motion. Plaintiff’s additional proposed findings of fact numbered 5 and 14 will be considered also, but the remaining facts proposed in plaintiff’s document titled “Plaintiff’s Proposed Findings of Fact and Conclusions of Law”

will be disregarded as not having been filed in compliance with the court's summary judgment procedures.

Entered this 31st day of July, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge