

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

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LINDA K. LEONARD,

Petitioner,

ORDER

v.

06-C-207-C

JOANNE B. BARNHART,  
Commissioner of Social Security,

Respondent.

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Yesterday this court chastised plaintiff's attorney in an unrelated SSD case for constantly requesting deadline extensions. I also noted "for what it's worth, the commissioner's attorneys also are addicted to requests for extensions . . .". *See* Case No. 05-C-268-C, dkt. 23 at 1-2. With an exquisite sense of timing, as that order was being docketed, the commissioner filed her motion for a second extension in the instant case. *See* dkt. 10. Earlier in this case the commissioner's attorney asked for a two-week extension on August 29, 2006, the day before the response deadline. I granted the request and moved that deadline to September 13, 2006. But on that day, the commissioner did not file her response; instead, she filed a request for a 30 day extension because on September 12, 2006, the Assistant Regional Counsel assigned to this case reported to his boss that he had been sick since September 8 and did not expect to be in for the rest of the week.

I understand that the commissioner's attorneys are busy, and of course no one plans to be sick the week a brief is due. But the commissioner's constant resort to last-minute

requests to extend must cease. Hereafter, the commissioner should not expect briefing extensions from this court in SSD cases absent extenuating circumstances. Being busy is not an extenuating circumstance.

I will extend the commissioner's deadline by 10 days, commensurate with the time lost to her attorney's illness (Sept. 8 -18). Because of the weekend, the commissioner gets a two-day bounce to September 25, 2006. If she has not filed and served her response by close of business that day, then petitioner's motion shall be under advisal unopposed.

Petitioner may have until October 10, 2006, within which to file and serve her reply.

Entered this 14<sup>th</sup> day of September, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge