

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

DAVID HAKA,

Plaintiff,

ORDER

v.

LINCOLN COUNTY, *et al.*

06-C-594-C

Defendants.

Before the court is plaintiff's motion to compel discovery and extend his deadline to respond to defendants' motion for summary judgment. See *dk. 73*. Defendants oppose the motion on substantive and procedural grounds, arguing with respect to the second point that within two weeks, the issue will be essentially moot. See *dk. 76*. Having read all of the parties' submissions, I agree with defendants, and will be granting plaintiffs' motion in part and denying it in part.

The bottom line is that plaintiff may have until December 3, 2007, within which to file and serve his response to defendants' pending motion for summary judgment. Defendants may have until December 14, 2007, within which to file and serve a reply. Same day service is required. Defendants must submit for *in camera* review the one remaining withheld document for which defendants are claiming privilege. With a firm trial date of March 3, 2008, there is no time available for additional extensions, so none will be granted.

As the parties are painfully aware, their disputes over ESI discovery have cost both sides an extraordinary price in time, aggravation and money, with very little substantive information

to show for it. That was a gamble the parties and the court took, with the understanding that there may be little or no payoff in the end. Since round 1 of ESI discovery was fruitless, the court will not impose the cost of a second round. Plaintiff may have the additional time to review, digest and employ the information already provided, and to conduct the already-scheduled depositions. The only other information he might get at the court's order is the single withheld document.

Entered this 19th day of November, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge