

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

RICHARD ROCK,

Plaintiff,

v.

PENNSYLVANIA LIFE INSURANCE CO.

Defendant.

ORDER

07-C-333-C

On December 3, 2007, the parties filed a stipulation to extend by eight to ten weeks all remaining deadlines in this disability insurance policy lawsuit, because plaintiff had “unexpected health issues.” *See* Dkt. 8 at 1.

In response to my request for more information, it turns out that on the morning of his RFC exam scheduled for November 14, 2007, plaintiff called in with a bad back. His chiropractor wrote a note on November 21 explaining that plaintiff had been unable to function from November 14 - 19, 2007. In other words, the incapacity had lasted six days, it had ended before the note was written and before the parties had requested their extensions. *See* dkt. 10.

This is not a basis for a two-month extension of the schedule; it is not a basis for any extension at all. I suspect that the real problem is that both sides have a lot of work to do over the holidays that they’d really rather postpone for a bit. If that’s the case, I don’t blame them, but counsel knew this when they approved this schedule at last June’s preliminary pretrial conference. It is not the court’s intent to be Grinch-like for its own sake, but this is an extraordinarily busy, fast-moving court that requires the parties to adhere to the deadlines.

Litigants may not obtain long extensions on their own stipulation as a result of unforeseen but relatively minor discovery mishaps.

So, the trial date is not moving. Even so, I will give the parties what time can be eked out of the schedule: the new motion deadline is January 11, 2008, with responses due January 28, 2008 and replies due February 7, 2008. I leave it to the parties to set a new deadline for defendant's expert disclosures (they were due today, December 17, 2007) following as quick an RFC exam as they can muster over the holidays.

Entered this 17th day of December, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge