

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

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CHAD GOETSCH,

Plaintiff,

v.

DR. LAETITIA LEY,  
DR. MIKE VANDENBROOK  
and DR. RUBIN-ASH,

Defendants.  
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ORDER

09-cv-228-bbc

In an order entered in this case on November 20, 2009, I granted plaintiff Chad Goetsch's request for leave to proceed in forma pauperis on his Eighth Amendment claims that defendants Laetitia Ley and Mike Vandebrook failed to protect him from self-harm or treat his mental illness and defendant Dr. Rubin-Ash provided only minimal mental health treatment to him following a suicide attempt. Now plaintiff has filed a motion for a 30-day extension of time in which to file a motion for summary judgment. Plaintiff's motion will be granted in part.

In his motion, plaintiff says that he has been preparing his summary judgment motion "but is not getting very far" because of fatigue and concentration problems. In addition plaintiff says he needs more time because defendants have not yet responded to his interrogatories and

he has not received records from the Mendota Mental Health Institution.

Plaintiff has had more than six months to conduct discovery (from the time of the January 14, 2010 Preliminary Pretrial Conference). At that conference, he was put on notice to begin seeking discovery. Dkt. #28 (“You should read Rules 26 through 37 and 45 **now** so that you understand how [discovery] works, and so that you can begin taking discovery in this case.” (Emphasis in original)). Additionally, the parties were warned that they should seek out sufficient discovery by the dispositive motion deadline so that they could support or defend motions for summary judgment. Plaintiff states that he served interrogatories on defendants on June 26, 2010, which makes it seem that he has waited until the last minute to conduct the proper discovery.

On the other hand, plaintiff has previously raised his fatigue and concentration concerns to the court. In previous orders in this case, I have told plaintiff that he may ask the court to extend a deadline he is having difficulty meeting because of his concentration problems. The court’s calendar permits a short extension, so I will give the parties two extra weeks, to August 27, 2010, to file their dispositive motions.

Regarding plaintiff’s assertions that he is not getting very far in preparing his motion, I encourage plaintiff to consult the summary judgment procedures provided to him with the pretrial conference order. Also, the applicable statutes and case law that govern the plaintiff’s claim were explained in November 20, 2009 order granting him leave to proceed in this case.

ORDER

IT IS ORDERED that plaintiff Chad Goetsch's motion for an extension of time to file a motion for summary judgment, dkt. #50, is GRANTED in part. The parties may have until August 27, 2010 in which to file a motion for summary judgment.

Entered this 23d day of July, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge