

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

HEATHER NELSON,

Plaintiff,

v.

SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS, CO., INC. and
ASSETSBIZ CORP.,

Defendants.

ORDER

11-cv-307-bbc

Defendant Santander Consumer USA, Inc. has filed a “motion to compel deposition of plaintiff and extend the briefing schedule on plaintiff’s motion for partial summary judgment.” Dkt. 87. Defendant argues that it needs to depose plaintiff Heather Nelson in order to respond to her motion for partial summary judgment but plaintiff’s counsel has refused to schedule a deposition until after defendant’s response is due.

Defendant’s predicament is of its own making. My review of the record shows that plaintiff’s deposition was originally scheduled for December 10, 2012, but defendant cancelled it, apparently for non-emergency reasons. Dkt. 92. When plaintiff’s counsel was unable to accommodate defendant’s requested alternative dates of December 19 or 20, defendant did not follow up with plaintiff until January 10, 2013, three days after plaintiff filed her motion for partial summary judgment. Dkt. 95. Plaintiff’s counsel responded that she had other depositions scheduled in Florida, so she would not be available until February 2. Dkt. 100. Although perhaps plaintiff could have tried to be more accommodating, defendant cannot blame plaintiff for defendant’s decision to wait until the 11th hour to attempt to depose her. In any event, we are out of breathing room on the calendar; if the court were to hew strictly to its scheduling policies, defendant likely would receive no relief at all.

That said, I will grant defendant's request in small part by extending its response deadline to February 8, 2013. Plaintiff has represented that she is available for the deposition on February 2 in Madison, Wisconsin and she did not withdraw that offer in her opposition brief, so the court expects her to be deposed on that day. Perhaps this may require defendant to do some scrambling, but the court's schedule does not permit any additional extensions.

ORDER

It is ORDERED that defendant Santander Consumer USA, Inc.'s "motion to compel deposition of plaintiff and extend the briefing schedule on plaintiff Heather Nelson's motion for partial summary judgment," dkt. 87, is GRANTED IN PART. Plaintiff's deposition will take place on February 2, 2012, in Madison, Wisconsin. Defendant may file his response to plaintiff's motion for partial summary judgment no later than February 8, 2012. Plaintiff may file her reply brief no later than February 18, 2012.

Entered this 25th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge