

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

DIEGO GIL,

Plaintiff,

v.

JAMES REED; JAMIE PENAFLORE and
UNITED STATES OF AMERICA,

Defendants.

ORDER

00-C-0724-C

Defendants moved for permission to supplement the proposed findings of fact they filed in light of information discovered during the November 16, 2005, deposition of plaintiff's expert witness, Dr. Michael A. Kim. Plaintiff has filed an objection to defendants' motion, arguing in part that allowing defendants to supplement their proposed findings of fact this late in the proceedings would unfairly prejudice the plaintiff.

Although it was not exemplary of defendants to fail to depose Dr. Kim prior to their summary judgment deadline, I will grant defendants' motion to supplement their proposed findings of fact in the interest of creating a complete factual record before the court issues its ruling on defendants' motion for summary judgment.

ORDER

IT IS ORDERED that defendants may have until December 8, 2005, in which to supplement their proposed findings of fact and plaintiff may have until December 15, 2005, in which to respond to defendants' supplemental proposed findings of fact. There will be no reply.

Entered this 1st day of December, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge