

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

WISCONSIN ALUMNI RESEARCH
FOUNDATION,

Plaintiff,

v.

VICAL INCORPORATED,

Defendant.

ORDER

03-C-405-C

Plaintiff has moved for leave to file an amended complaint in this case. Defendant opposes the motion only because plaintiff has refused to give it a one-month extension for filing a motion for summary judgment. Plaintiff agrees to an extension of two weeks but no more.

Without getting into the merits of the parties' complaints about each other's lack of cooperation in discovery, I will GRANT the motion to amend and split the difference between the parties over the extension, keeping in mind my own interest in having the matter briefed sufficiently in advance of trial to allow me to decide it. Defendant may have until April 16, 2004, in which to serve and file any motions for summary judgment it wishes

to file. Plaintiff will have 21 days for a brief in opposition and defendant will have 10 days for a reply brief.

Further, to try to balance the parties' discovery and timing concerns, plaintiff is to respond no later than March 22, 2004, to defendant's February 27, 2004 document request.

Entered this 5th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge