

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER THORSON, MANAGED  
INVESTMENTS INCORPORATED,  
CONSTRUCTION MANAGEMENT  
INC., and GERKE EXCAVATING, INC.,

Defendants.

and

ACUITY, A MUTUAL INSURANCE COMPANY,

Intervening Defendant.  
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Defendant Gerke Excavating, Inc., has moved for leave to file an untimely response to Acuity's proposed findings of fact. Defendant Gerke says that it never received copies of this court's procedures for the filing of summary judgment motions. This is not a compelling reason for an extension of time, given the fact that the magistrate judge's preliminary pretrial order makes reference to the procedures. Had counsel for defendant Gerke read the order carefully, he would have noticed that there should have been procedures attached to the

order and made inquiry of the clerk of court.

Although defendant Acuity objects to any extension, the fact that defendant has submitted his responses to the proposed findings of fact together with his motion means that granting this defendant extra time to file his responses will not slow down the disposition of the case. Accordingly, IT IS ORDERED that defendant Gerke Excavating, Inc.'s motion to file untimely responses to Acuity's proposed findings of fact is GRANTED. The responses are deemed filed as of the date of this order.

Entered this 20th day of November, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge