

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

JENNIFER A. LINDSTROM,

Plaintiff,

v.

BAUMAN ASSOCIATES, LTD.,

Defendant.

ORDER

05-C-304-C

At the June 16, 2005 preliminary pretrial conference, this court set December 1, 2005 as the deadline for filing any dispositive motion by any party. Defendant filed a summary judgment motion on November 29, 2005. On December 21, 2005, plaintiff filed her response, along with her own motion for summary judgment. This led defendant to move to strike plaintiff's motion as untimely.

Defendant is correct. Although the court has discretion to grant summary judgment in favor of a nonmoving party if the requirements of F.R.Civ.Pro. 56 are met, plaintiff has no right to submit an untimely motion in conjunction with her response to defendant's motion. Therefore, I will consider plaintiff's response to defendant's motion but I am striking plaintiff's attempt to file her own motion after the deadline had passed.

ORDER

IT IS ORDERED that defendant's motion to strike plaintiff's motion for summary judgment as untimely is GRANTED.

Entered this 27th day of December, 2005.

BY THE COURT:

S/

BARBARA B. CRABB
District Judge