

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

TROY FROISETH,

Plaintiff,

v.

COUNTY OF LA CROSSE, WISCONSIN,
MIKE WEISSENBERGER, MARK WELANDER,
JAMES GEORGIEFF, TANYA DELAP and
HEALTH PROFESSIONALS, LTD.,

Defendants.

ORDER

05-C-470-C

Defendant Health Professionals, Ltd. failed to file a timely answer, notice of appearance and jury demand. It offers no excuse for the failure, but asks that it be allowed to file the documents at this time, 35 days after the filing deadline ran. Plaintiff opposes the request, noting that the pretrial conference has been held, trial preparation deadlines have been set and the clerk has entered default against defendant.

It is clear that defendant was derelict in not hiring counsel more promptly. However, default judgment is too harsh a penalty for defendant's negligence, which plaintiff has not shown to be prejudicial to him. Instead, defendant will be bound by the deadlines established in the magistrate judge's order of September 8, 2005, despite its non-

participation in the pretrial conference. If defendant believes that it cannot comply with those deadlines and seeks another pretrial conference, it shall be responsible for paying the costs incurred by the other parties in participating in a second conference.

ORDER

IT IS ORDERED that the motion of defendant Health Professionals, Ltd. for leave to file an untimely answer, demand for jury and notice of appearance is GRANTED. FURTHER, IT IS ORDERED that the clerk of court's entry of default is VACATED.

Entered this 21st day of October, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge