

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

ACUITY, a Mutual Insurance Company,

Plaintiff,

v.

INTERLOG USA, INC.,

Defendant.

ORDER

05-C-485-C

On October 19, 2005, this court held a telephonic status conference. Both sides were represented by counsel. The underlying lawsuit presents a diversity claim by plaintiff requesting declaratory judgment on its duty to defend and cover a lawsuit in Illinois that was filed against defendant, a Minnesota corporation. On September 30, 2005, defendant moved to dismiss this lawsuit or to transfer it; plaintiff's response is due October 20, 2005, with defendant's response due by October 31, 2005.

On October 11, 2005, plaintiff filed a motion for summary judgment seeking the declaration on coverage that underlies the lawsuit. The current calendar requires a response by defendant on October 31, 2005, with plaintiff's reply by November 10, 2005.

Defendant is not keen on briefing summary judgment in this court until the court has decided whether this lawsuit even belongs here. Therefore, plaintiff may file a motion to stay briefing and consideration of plaintiff's motion for summary judgment; I put no

deadline on this but predict that defendant will file its motion promptly. Plaintiff may have seven calendar days after service within which to respond; defendant may have five calendar days thereafter to reply. Same day service is required for these submissions. So that defendant's motion actually has some meaning, I am striking the current briefing calendar on the summary judgment motion but will set a new schedule if necessary after resolution of the other motions. The parties had no other matters to bring to the court's attention.

Entered this 19th day of October, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge