

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

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WESTFIELD INSURANCE COMPANY,

Plaintiff,

and

CHRISTOPHER and SHANNON SCHARMER,

Involuntary Plaintiffs,

v.

J.C. PENNEY CORPORATION, INC., *et al.*,

Defendants.

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ORDER

05-C-622-C

The parties have submitted a stipulation to extend by a month defendants' expert disclosure deadline and to extend by 48 days the summary judgment motion deadline. As the preliminary pretrial conference order advises the parties, they do not need court permission to move an expert disclosure deadline, so this stipulation vests automatically.

However, the calendar does not permit a seven week extension of the summary judgment motion deadline, so the court declines to accept this stipulation. I will allow the parties two extra weeks, until July 28, 2006, within which to file their motions.

The fact that one of plaintiffs' experts wishes to review other depositions before being deposed is not a valid reason for the court to extend the dispositive motion deadline. The house fire underlying this lawsuit occurred in 1999, plaintiffs filed their lawsuit (in state court) in September 2005, and the parties jointly reported to this court in January 2006 that plaintiffs

would disclose their experts in about three months, namely by mid-March. At the January 17, 2006 preliminary pretrial conference the court gave plaintiffs until June 2, 2006 within which to disclose experts; it also warned the parties to undertake all discovery in a fashion that allowed them to file timely summary judgment motions. For whatever reason, that didn't happen here.

Understanding that everyone is busy and that it is difficult to coordinate expert reports and depositions in a case of this nature, the court cannot allow a seven week extension of the summary judgment motion deadline. With a firm November 13, 2006 trial date, even allowing a two-week extension runs the risk that a court decision on any motion will not issue until the eve of trial. Anything later and the parties would be talking to themselves.

Therefore, the parties' stipulation is accepted in part and the summary judgment motion deadline is extended to July 28, 2006. No further extensions will be granted.

Entered this 3<sup>rd</sup> day of July, 2006.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge