

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

DOROTHY BRUEGGEN,

Petitioner,

ORDER

v.

06-C-154-C

JOANNE B. BARNHART,
Commissioner of Social Security,

Respondent.

Like a game of judicial Whac-A-Mole, this court has been beating back an infestation of extension motions in social security disability cases that popped up this week. Yesterday this court chastised a different plaintiff's attorney in an unrelated SSD case for constantly requesting deadline extensions. *See* Case No. 05-C-268-C, dkt. 23 at 1-2. As that order was being docketed, the commissioner filed her motion for a second extension in yet another SSD case. *See* Case No. 06-C-207-C, dkt. 10. Almost simultaneously, in came the commissioner's motion for an extension in the instant case, *see* dkt. 13, which follows *petitioner's* two motions for extensions. *See* dkts. 7 and 9. The commissioner's response to the pending summary judgment motion was due today but she wants 21 more days to file because the attorney assigned to this case is very, very busy.

Understood. But this court is notorious for its adherence to Rule 1, F.R. Civ. Pro., which requires the just, speedy and inexpensive determination of every action. Why should it treat disability appeals differently? The more quickly we reach closure on disputed denials

of disability benefits, the better for all involved. If the attorneys who specialize in litigating these cases are too busy to get their appeals into this court promptly, then they should hire more help. If the commissioner's attorneys cannot keep up with their workload, then the commissioner will have to make hard choices regarding resource allocation. One thing that will *not* happen is that this court will not relegate disability appeals to a *de facto* slow track that routinely delays a final decision.

Because I already have signed off on petitioner's extensions in this case, I will allow the commissioner her requested three weeks, until October 5, 2006, within which to file and serve her response. Petitioner's reply is due by October 19, 2006. Needless to say, nobody will get any more extensions.

As I stated in an order issued earlier today in Case No. 06-C-207-C,

I understand that the commissioner's attorneys are busy . . . [b]ut the commissioner's constant resort to last-minute requests to extend must cease. Hereafter, the commissioner should not expect briefing extensions from this court in SSD cases absent extenuating circumstances. Being busy is not an extenuating circumstance.

This admonition applies with equal force to petitioner's attorney in future cases.

Entered this 14th day of September, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge