

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

JUAN M. PEREZ,

Plaintiff,

v.

MATTHEW J. FRANK, RICHARD RAEMISCH,
CATHERINE FARREY, LIZZIE A. TEGELS,
SUE NAULT, MELANIE FAUST, MARK TESLIK,
GREG GRAMS and TIMOTHY LUNDQUIST,

Defendants.

ORDER

06-C-248-C

Before the court is plaintiff's motion to compel discovery (dkt. 19). Plaintiff complains that defendants Farrey and Teslik have not responded to his interrogatories and requests for production of documents. The state admits that it did not respond within 30 days, explaining that these interrogatories and RFPs (in addition to those posed to the other defendants) require lengthy responses and that it has been difficult to gather all of the necessary information from defendants scattered in various locations. Defendants contend that they alerted plaintiff to these concerns prior to him filing the motion, although after their response deadline passed. It's possible that plaintiff's motion and defendants' letter crossed in the mail.

Having reviewed the parties' submissions and other documents in the case file, I am denying plaintiff's motion without prejudice. Plaintiff's lawsuit challenges WDOC and NLCI policies, practices and procedures governing how Muslim inmates may practice their religion while incarcerated. Plaintiff's open-ended interrogatories require the defendants to explain

institutional policies and personal decisions. Some of these explanations could be long and complicated and they will have ramifications beyond the instant lawsuit, so they will have to be thoroughly researched and reviewed in order to ensure that they are complete and accurate. This is a time-consuming process that has taken more than the 30 days allotted by the federal discovery rules. The state has advised plaintiff (and this court) that it is taking his discovery requests seriously and is working sedulously to craft and provide appropriate answers. Perhaps the current dispute could have been avoided if defendants had sent plaintiff their “we’re working on it” letter sooner and then, if necessary, had sought an extension from the court prior to their 30 day deadline running. But this is not a basis to grant plaintiff’s motion at this juncture.

There still is some breathing room in the schedule, although the expert disclosure deadlines are looming. The court expects that the state promptly will provide complete and accurate responses to plaintiff’s interrogatories and RFPs (for all the defendants, not just Farrey and Teslik). If plaintiff then needs an extension of his November 10, 2006 expert disclosure deadline, the court would allow a bit more time.

It is ORDERED that plaintiff’s motion to compel discovery is DENIED without prejudice.

Entered this 20th day of October, 2006.

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