

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

MARK SCHLEY,

Plaintiff,

v.

NATIONAL ASSOCIATION OF SECURITIES DEALERS,

Defendant.

ORDER
06-C-335-S

Plaintiff's notice of motion and motion for default judgment came on to be heard before the Court in the above entitled matter on September 13, 2006, the plaintiff having appeared by Eckert, Kost & Vocke by Michael L. Eckert; defendant by Godfrey & Kahn by Jonathan Ingrisano and Tiffany Wohlfeil. Honorable John C. Shabaz, District Judge, presided.

On August 2, 2006 the Court ordered that pleadings may be amended not later than September 1, 2006 without further order of the Court. It also determined that defendant's response to the complaint shall be served and filed not later than September 1, 2006.

Plaintiff filed an amended complaint in this Court on August 28, 2006 which mooted defendant's response to the complaint which was superceded by the amended complaint.

Accordingly,

ORDER

IT IS ORDERED that plaintiff's motion for default judgment is DENIED.

In order to avoid further delay in which the parties may wish to engage, the Court notes that defendant's filed a motion to dismiss in this Court on September 11, 2006 together with memorandum in support. Pursuant to this Court's scheduling order of August 2, 2006, plaintiff has 20 days from September 11, 2006 to respond to said motion and the moving party has 10 days from receipt of response to reply.

Entered this 13th day of September, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge