

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

PAUL BARROWS,

Plaintiff,

v.

DAUBERT LAW FIRM LLC, *et al.*,

Defendants.

ORDER

06-C-409-C

At the August 22, 2006 telephonic preliminary pretrial conference, this court set the schedule in consultation with the parties' attorneys. Trial was firmly set for April 16, 2007, with summary judgment motions due about four months prior, by January 2, 2007.

On December 28, 2006, the parties filed the equivalent of a joint motion to extend and bifurcate the summary judgment motion deadline. The reason is that during discovery conducted to date, the parties have decided that both sides "will need to pursue further discovery before complete dispositive motions are possible." *See* dkt. 24 at 2. Under the parties' proposal, defendants would file summary judgment motions by January 26, 2007, plaintiff would file by February 15, 2007, and all motions would be under advisal to the court by March 19, 2007, four weeks before trial.

This won't do. This court requires summary judgment motions to be filed four months before trial because it needs the three months after briefing is done within which to

rule on the motions. It's not that the court spends three months on any given motion; instead, the aggressive scheduling of civil and criminal trials in this court means that at any given time the district judges have between 10 and 30 dispositive motions under advisal. The only way to assure a timely ruling is to allow sufficient breathing room between the filing of the last reply brief and the beginning of trial. Four weeks do not provide enough breathing room; in fact, *eight* weeks are not enough.

This court already gave the parties extra time in order to spare them the chore of having to file responsive briefs over the Christmas and New Year holidays. There isn't extra time available in the schedule, and the trial date is not moving. As for the additional discovery the parties claim to need, the preliminary pretrial conference order specifically warned that

Parties are to undertake discovery in a manner that allows them to make or respond to dispositive motions within the scheduled deadlines. The fact that the general discovery deadline cutoff, set forth below, occurs after the deadlines for filing and briefing dispositive motions is not a ground for requesting an extension of the motion and briefing deadlines.

Dkt. 12 at 3.

Waiting until two workdays before the motions are due to propose a 3½ week and a six week extension is no way to soften this court's Grinch-like disposition regarding deadlines.

Even so, in the spirit of the season, I will give both sides ten extra days, until January 12, 2007 within which to file any and all summary judgment motions. There shall be no

further extensions; if the parties are not prepared to file summary judgment motions by this date, then they will either settle the case or go to trial on all claims on April 16, 2007.

Entered this 29th day of December, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge