

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

DAVID HAKA,

Plaintiff,

ORDER

v.

LINCOLN COUNTY, *et al.*

06-C-594-C

Defendants.

Before the court is plaintiff's motion for a second rescheduling of this employment retaliation lawsuit. *See* dks. 46-48. Plaintiff seeks to extend the summary judgment motion deadline from October 31, 2007 to Saturday (!), March 15, 2008, a 4 ½ month extension (and a nine month extension past the original June 15, 2007 deadline). Needless to say, the March 3, 2008 trial date (already moved once from October 15, 2007) would have to be moved commensurately, to somewhere around mid-July, 2007. Perhaps it also is needless to say that defendants oppose any additional extensions of the schedule. *See* dks. 49-50.

Having read and considered all of the parties' submissions on this point, and with full appreciation of both sides' positions, I am denying plaintiff's request. This lawsuit will celebrate its first birthday next Wednesday, October 17, 2007, an anniversary by which all but the most complicated patent cases usually have resolved themselves in this court. This morning, I set a June 17, 2007 trial date for a brand new lawsuit just as complicated as the instant case. I am fully cognizant of the grand jury and ESI review issues that have slowed and complicated this case, but from the court's perspective, it has sufficiently accounted for these concerns. As the

court already has noted in partially granting defendants' motion for protection, neither party in this case has deep pockets and plaintiff's potential recovery if he prevails is not huge; therefore, it would be unjust and inefficient to allow the sort of unfettered discovery that plaintiff was demanding. The same can be said of plaintiff's request for another lengthy extension of the schedule. F.R. Civ. P. 1 militates strongly against granting plaintiff's motion.

According to defendants, the ESI search results are imminent and meaningful depositions may be taken soon. Assuming defendants file their summary judgment motion at the deadline, plaintiff has until November 21, 2007 within which to file his response. This should be adequate time for plaintiff to complete the discovery he needs to file a proper response. If plaintiff genuinely needs another week or two to prepare a response, then he may file a Rule 56(f) request at that time. But 7 to 14 days is the longest extension he is going to get.

In short, it is ORDERED that plaintiff's motion for relief from the amended scheduling order is DENIED.

Entered this 10th day of October, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge