

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

BIEWER-WISCONSIN SAWMILL, INC.,

Plaintiff,

v.

FREMONT INDUSTRIES, INC.,

Defendant and
Third-Party Plaintiff,

v.

DONALD W. BARRS, d/b/a BARRS MECHANICAL DESIGN,
COE NEWNES McGEHEE, f/k/a COE MANUFACTURING. CO.,
KILNSIGHT, LLC,
PIERCE CONSTRUCTION, INC., and
THE TEAFORD COMPANY INC.,

Third Party Defendants,

and

EVANSTON INSURANCE COMPANY, and
MARKEL AMERICAN INSURANCE COMPANY,

Intervening Defendants.

ORDER

07-C-016-C

On July 27, 2007, Fremont moved for an extension of its deadline to disclose experts commensurate with the delay between Biewer's posting of its reports via First Class mail and Fremont's receipt of those reports four days later. Fremont also complains that Biewer could have—and should have—sent these documents, voluminous though they may be, via e-mail.

Fremont is entitled to the requested extension to but the court will not micro-manage the service arrangements between the parties. It perplexes the court, however, that law firms commanding large fees to litigate a commercial lawsuit wouldn't spring for an overnight express

service to ensure timely delivery of time-sensitive, critical documents, if for no other reason than professional courtesy. Apart from this, and pursuant to the warning in the preliminary pretrial conference order, Biewer was allowed only the extra three days for service authorized by Rule 6(e), after which its reports were late and subject to being completely stricken by the court. *See* dkt. 18 at 3 & 6. Equally puzzling is Biewer's insistence in response to Fremont's inquiry that it was too burdensome to e-mail the documents, when Fremont reports that it accomplished this daunting feat in about 15 minutes. Considering that Biewer already is on short paper with this court due to its initial interrogatory snit with Fremont, one might have expected Biewer voluntarily to incur great expense in order to avoid the sort of complaint now before the court.

Fremont's deadline to disclose experts is extended to August 29, 2007. I surmise Fremont will be gracious enough to e-mail or express deliver its reports. Third party response deadlines are extended commensurately.

Entered this 30th day of July, 2007.

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