

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

TODD SIEVERT,

Plaintiff,

v.

FEDERAL CREDIT CORP.,
2ND CHANCE COLLECTIONS,
LLC, ABC INSURANCE
COMPANY, and DEF INSURANCE
COMPANY, A Fictitious Insurance
Company,

Defendants.

ORDER

08-cv-263-bbc

Defendants Federal Credit Corp. and 2nd Chance Collections have moved for reconsideration of the order entered in this case on November 3, 2008. The motion will be denied.

Defendants believe that it was improper to assess costs against them for their failure to file a responsive pleading to the complaint served upon them and to grant plaintiff Todd Sievert's motion to strike their counterclaims and cross claims. They base their belief on the court's failure to say specifically that it was holding a hearing on plaintiff's motions for

sanctions and for dismissal of the counterclaims.

Defendants seem intent on making this case as difficult as possible for the court and for plaintiff, as demonstrated by their failure to answer the complaint within the time allotted, their assertion of “counterclaims” and “cross claims” against persons not party to this suit and the present attack upon the November 3 order. Defendants argue that it was error for the court to grant plaintiff’s motion to strike and for sanctions, when those issues had not been set for hearing. They are wrong. The motions had been fully briefed; defendants had had a chance to be heard. The fact that they were heard on paper and not orally is irrelevant.

A \$1000 sanction for defendants’ filing of baseless counterclaims and cross claims against non-parties is hardly excessive, particularly when defendants had caused their opponent additional work and time by failing to file a timely response to a properly served complaint. Defendants’ counsel would serve his clients more effectively if he would concentrate on filing more carefully considered pleadings and motions.

ORDER

IT IS ORDERED that the motion for reconsideration filed by defendants Federal

Credit Corp. and 2nd Chance Collections is DENIED.

Entered this 12th day of December, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge