

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

DAVID N. VOLKMANN,

Plaintiff,

ORDER

v.

08-cv-326-slc

WISCONSIN LABORERS' PENSION FUND,

Defendant.

This action was removed to this court from Burnett County, Wisconsin circuit court on June 4, 2008. A preliminary pretrial conference was held on July 3, 2008 and at that time, I set August 15, 2008 as the deadline within which any amendments to the pleadings were to be filed. On August 15, 2008, plaintiff filed a document titled "motion to amend," which is a one-page document listing in detail the relief plaintiff seeks in this case.

Ordinarily, when a plaintiff wishes to amend his complaint, he is required to file a completely new complaint that will replace the original complaint. Moreover, to make it simpler for the court and the defendants to understand what changes the plaintiff is making, this court requires ordinarily that the plaintiff submit a proposed amended complaint that looks exactly like the original complaint except that the plaintiff is to point out any new defendants or new allegations by highlighting them and he is to make clear what he wants omitted from the complaint by putting a line through any allegations or parties he no longer wishes included in his complaint.

In this case, however, it seems unnecessarily burdensome to require plaintiff to file a completely new complaint when all he wants to do is specify in greater detail the relief he is seeking. Therefore, I will construe plaintiff's "motion to amend" as an addendum to his complaint. Defendants may have ten days from the date of this order in which to file a response to the complaint so amended or advise the court that they will stand on their response to the original complaint.

ORDER

IT IS ORDERED that plaintiff's "motion to amend" is construed as an addendum to his complaint setting forth in greater detail the relief plaintiff is seeking. Defendants may have until September 2, 2008, in which to file a response to the complaint so amended or advise the court that it intends to stand on its answer to the original complaint.

Entered this 20th day of August, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge