

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

PETER T. JULKA,

Plaintiff,

v.

STANDARD INSURANCE COMPANY,

Defendant.

OPINION and ORDER

09-cv-534-slc

Defendant Standard Insurance Company was allowed to file a late motion for summary judgment on August 12, 2010. Since then plaintiff Peter T. Julka was granted two requests for extensions of time to file his opposition to defendant's motion. In my September 28, 2010 order granting plaintiff an extension until October 4, 2010 I stated that I would not grant a third request from plaintiff for an extension of time.

Plaintiff did not, however, submit his opposition materials on October 4. Instead on October 15, he filed a motion for the court to hold the matter in abeyance until October 18, 2010, the date he planned to file his opposition materials. Dkt. # 51. Instead of filing these materials, he filed a motion for leave to file his own motion for summary judgment and a motion to correct the scheduling order on October 19. Dkt. ## 52 and 53. In both these pleadings, he seeks leave to file a motion for summary judgment. He asserts that if his motions are granted he would file a motion for summary judgment and a single brief in support of his motion and in response to the defendant's motion. Also, he concedes that the brief is not finished.

Unfortunately plaintiff's motions are too late. He was to have filed his response to the defendant's motion almost a month ago, after being granted two extension. No further

extensions will be granted. Although the court is sympathetic to plaintiff's emotional state after the illness and death of his dog, plaintiff has had more than enough time to file his opposition to defendant's motion for summary judgment. Further, if he had wanted to file his own motion for summary judgment he could have asked the court for permission to do in August. Plaintiff's motions will be denied. Because plaintiff has failed to file any opposition to defendant's motion, it will be taken under advisement and decided as the court's calendar permits.

ORDER

IT IS ORDERED that:

1. Plaintiff Peter Julka's motion to hold the matter in abeyance until October 18, 20010, dkt. #51, is DENIED as moot.
2. Plaintiff's motions for leave to file a motion for summary judgment and to amend the pretrial conference order, dkt. ## 52 and 53, are DENIED.

Entered this 2nd day of November, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge