

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

WAR N. MARION,

Plaintiff,

v.

JANEL NICKEL, DYLOM RADTKE,
CHAD KELLER and B. NEUMAIER,

Defendants.

ORDER

09-cv-723-bbc

On February 17, 2011, plaintiff War Marion filed a “motion to depose defendants and non-parties Debra K. Wilson, Roy Davenport and Daniel Bavinick.” *See* *dk.* 89. To the extent that plaintiff seeks subpoenas to depose non-parties Wilson, Davenport and Bavinick (plaintiff does not need subpoenas to depose defendants), I will deny plaintiff’s motion because he has not shown that he will be able to pay the stenographer’s fee or witness fees and mileage expenses for these witnesses. In any case, plaintiff made his request too late for the court to grant it. The discovery cutoff date was February 18, 2011, and plaintiff does not explain why he waited so long to notice up these depositions. *See* April 23, 2010 Preliminary Pretrial Conference Order, *dk.* 22 at 10 (“If the parties do not bring discovery problems to the court’s attention quickly, then they cannot complain that they ran out of time to get information that they needed for summary judgment or for trial.”) There is an intentional one-month gap between the discovery cutoff and the trial date (March 21, 2011) so that the parties have a “safe harbor” in which to prepare for trial using their timely-obtained evidence without having to worry about new evidence surfacing or about being interrupted by an opponent’s late discovery demands. There shall be no additional discovery taken before trial.

ORDER

IT IS ORDERED that plaintiff's motion "to depose defendants and non-parties," dkt. 89, is DENIED.

Entered this 22nd day of February, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge