

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

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EMPLOYERS INSURANCE COMPANY OF WAUSAU,

Plaintiff,

v.

ONEBEACON INSURANCE COMPANY,

Defendant.  
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ORDER

13-cv-85-bbc

Plaintiff Employers Insurance Company of Wausau has filed a motion for summary judgment on its breach of contract claim against defendant OneBeacon Insurance Company. In its opposition brief, defendant points out that plaintiff did not file proposed findings of fact in a separate document as required by the court's summary judgment procedures. Although plaintiff filed a statement of facts in numbered paragraphs with citations to the record, the facts were included with plaintiff's brief rather than in a separate document. Defendant does not argue that it was confused or prejudiced by the way in which plaintiff submitted its proposed facts, but defendant has refused to respond to the facts because they violate the court's rules.

Accompanying plaintiff's reply brief is a separate document with its reply brief that includes the same proposed facts as in plaintiff's opening brief. Dkt. #30. Defendant has not responded to these either or moved to strike them on the ground that they are untimely.

Although one might argue that defendant has conceded the accuracy of these proposed findings, to avoid any doubt, I will give defendant one last opportunity to file a response to plaintiff's proposed findings of fact. If defendant does not respond, I will construe its silence as a concession that the facts are undisputed.

In addition, defendant should respond to plaintiff's arguments in its reply brief about prejudgment interest.

#### ORDER

IT IS ORDERED that defendant OneBeacon Insurance Company may have until June 18, 2013, to file a response to plaintiff Employers Insurance Company of Wausau's proposed findings of fact and to address plaintiff's arguments about prejudgment interest.

Entered this 11th day of June, 2013.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge