

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

HEATHER JOHNSON,

Plaintiff,

v.

BANKERS LIFE AND CASUALTY COMPANY,

Defendant.

ORDER

13-cv-144-wmc

The court is in receipt of defendant Bankers Life & Casualty Insurance Company's motion to strike class allegations (dkt. #32) and plaintiff Heather Johnson's emergency motion for extension of time to amend pleadings / add parties and respond to defendant's motion to strike (dkt. #38). While in certain circumstances a preemptory motion to strike class allegations may be appropriate on the face of the complaint alone, this is not such a case.

As the court reads plaintiff's complaint, her class claims allege a common misrepresentation of an "annuity income preservation amendment rider." Whether this alleged misrepresentation can support class claims may well be a legitimate issue to be addressed pursuant to the court's already established, relatively ambitious preliminary class certification schedule, but the court will not accelerate this issue without giving plaintiff an opportunity to obtain discovery in support of a motion for class certification. Accordingly, defendant's motion to strike class allegations (dkt. #32) is DENIED as premature, without prejudice to raising similar arguments, if appropriate, in opposition to plaintiff's anticipated motion for class certification.

In light of this decision, plaintiff's emergency motion for an extension of time to respond to the motion to strike (dkt. #38) is DENIED in part. In that same motion, plaintiff also seeks an extension of time to amend pleadings without offering a specific basis for this relief, presumably the basis for this request is the same as that in the motion to compel discovery to be heard on July 17, 2013. Accordingly, the court will RESERVE ruling on that portion of the motion until that time.

Entered this 3rd day of July, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge