

E-FILED
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Clerk, U.S. District Court, ILCD

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

| | | |
|-------------------------------------|---|-------------------|
| MICHELLE FRAKES |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No.: 12-1329 |
| PEORIA SCHOOL DISTRICT NO. 150, |) | |
| an Illinois Local Government Entity |) | |
| |) | |
| Defendant. |) | |

OPINION AND ORDER

This matter is before the Court on a Motion [51] by Plaintiff Michelle Frakes’ counsel, Richard Steagall, to extend the responsive deadline to Defendant, the Board of Education of Peoria School District No. 150’s (“District 150”) [46] Motion for Summary Judgment. This Order follows.

On April 9, 2015, District 150 filed a Motion for Summary Judgment. Plaintiff’s responsive deadline was set for May 4, 2015. On May 4, 2015, Plaintiff’s counsel filed a Motion for an Extension of Time to Respond to the Motion for Summary Judgment to May 11, 2015. This Court granted Plaintiff’s motion on May 6, 2015. Plaintiff’s counsel did not file a response on May 11, 2015, but rather filed the response on May 14, 2015. Although the filing deadline passed, Plaintiff’s counsel did not request an additional extension nor did he request leave from the Court to file the response. See Local Rules 6.1 and 49.6(D)(2)(b). On May 15, 2015, Plaintiff’s counsel filed the current Motion for Leave to File Response to Defendant’s Motion for Summary Judgment and to File Exhibits by Tuesday, May 19, 2015.

In the motion, Plaintiff’s counsel recites reason after reason for failing to comply with the Court’s May 6, 2015 Order granting leave to file a response by May 11, 2015. Counsel’s reason

for the delay centers on the alleged simultaneous breakdown of the office desktop and Attorney Steagall's office laptop computer. At the risk of comparing Mr. Steagall to Klinger in M*A*S*H¹, Attorney Steagall has used this excuse before; most recently on March 11, 2015 in McCullough v. Blackwell Motors d/b/a Peihl in Geneseo, Case No. 14-1455 (CDIL 2014) where counsel detailed the need for an extension due to an office and computer breakdown and coincidentally that breakdown occurred once again on the eve of complying with Court ordered deadlines.

In spite of the lateness of the request and the questionable reason for it, the Court agrees with the last statement in Attorney Steagall's motion; this case should be decided on its merits despite the oversight of counsel. However, given the delays by counsel, getting to merits is becoming the difficult part.

Accordingly, Plaintiff's Motion for Leave to File Response to Defendant's Motion for Summary Judgment and to File Exhibits by Tuesday, May 19, 2015 is GRANTED. Plaintiff's counsel must file all exhibits by 11:59 P.M. on May 19, 2015.

ENTERED this 19th day of May 2015.

/s/ James E. Shadid
James E. Shadid
Chief United States District Judge

¹ M*A*S*H Season 2: Mail Call Episode - -

Henry (pulling out Klinger's file): Here we go. Father dying, right?

Klinger: Yes, sir.

Henry (going through letters in Klinger's file): Father dying, last year. Mother dying, last year. Mother and father dying. Mother, father and older sister dying. Mother dying and older sister pregnant. Older sister dying and mother pregnant. Younger sister pregnant and older sister dying. Here's an oldie but a goodie: half of the family dying, other half pregnant. (puts file down) Klinger aren't you ashamed of yourself?