

[illegible]

(“Hirschauer”), because he was going out of town. Hirschauer then lost the pleadings of Huspon’s case, and forgot to submit her Appearance or a request for an extension of time.

The above facts do not justify “good cause” to allow an extension of time. *See e.g., Reales v. Consolidated Rail Corp* 84 F.3d 993, 997 (7th Cir. 1996) (district court judge did not abuse discretion in denying request for an extension of time when the reasons were based on office management mistakes that could have been anticipated); *U.S. v. Kasuboski*, 834 F.2d 1345, 1352 (7th Cir. 1987) (judge did not abuse discretion in rejecting a request for an extension of time because Defendant’s counsel was involved in a wedding, and the paralegal had just purchased a new home, as these events were foreseeable).

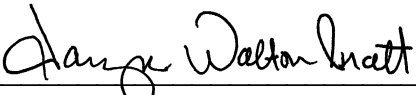
In *Tygris Asset Finance, Inc. v. Szollas*, WL 2610652 at \*2 (N.D. Ill. 2010), the court ruled that personal health and family issues (even better reasons than the case at hand) of the defendants were not sufficient reasons to file an untimely response to plaintiff’s complaint. “When unpredictable and unfortunate circumstances arise a litigant should inform the court before the filing deadline passes why he will be unable to comply, and if that is not possible, should inform the court as soon as practicably possible why the filing was late.” *Id.*

Counsel herein was not incapacitated, there were no extenuating circumstances, and this error was completely avoidable. Furthermore, Magistrate Judge Lynch notified Counsel on May 11, 2011 that a response was needed. The Court is mindful of the client’s position, however, Counsel’s failure to act within the allotted time period, acting 59 days after the deadline and 42 days after the Magistrate Judge’s reminder, tip the scale from a simple mistake to egregious conduct.

**THE COURT FINDS** that good cause does not exist for the tardy submission and the Motion for Leave to Submit Tardy Response (Dkt. 30) is **DENIED**.

SO ORDERED.

Date: 07/14/2011 \_\_\_\_\_

  
\_\_\_\_\_  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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