

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AKIDA BERRY,

Case No. 15-cv-952-pp

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY CO.,

Defendant.

ORDER DENYING PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME AND DEADLINES (DKT. NO. 47), DENYING AS MOOT FIRST MOTION FOR EXTENSION OF TIME (DKT. NO. 49), DENYING AS MOOT SECOND MOTION FOR EXTENSION OF TIME (DKT. NO. 50), AND GRANTING THIRD MOTION FOR EXTENSION OF TIME (DKT. NO. 51)

The defendant removed this case to federal court on August 10, 2015. Dkt. No. 1. The court held the scheduling conference on January 14, 2016, at that time setting the deadline for completing discovery for June 1, 2016. Dkt. No. 18. The court has extended that deadline several times—there has been at least one motion to compel the plaintiff to provide discovery (dkt. no. 21), and apparently many discussions between the parties about resolving discovery issues. It has been seventeen months since the court first set the discovery/motions schedule. The court recalls that one issue that slowed progress was the need for the court to issue a warrant for a witness. The court also recalls that because the plaintiff lost tools, equipment and paperwork in the fire, his lawyer has had to try to recreate files.

Now the plaintiff has filed another motion to extend the discovery deadlines. Dkt. No. 47. Counsel for the plaintiff says that the plaintiff has gotten a job as an out-of-state driver, making it hard for counsel to get together with his client to discuss discovery issues. Id. at 1-2. The defendant has objected to this request. Dkt. No. 48. The defendant reminds the court that at this stage, the only issue is the breach of contract question, and asserts that there is no more discovery for the parties to do on that issue. The defendant reminds the court that it has filed a motion for summary judgment; if the court grants that motion in the defendant's favor, there will be no more discovery to do on the bad faith stage of the litigation, either.

The court agrees that it is time to move forward with this case. The court will deny the plaintiff's second motion to extend discovery and other deadlines. Dkt. No. 47.

The defendant filed its motion for summary judgment (timely, under the February 8, 2017 scheduling order) on May 12, 2017. Dkt. No. 41. That means that the deadline for the plaintiff to respond would have been Monday, June 12, 2017. At 11:03 a.m. on June 12, 2017, the plaintiff filed an unopposed motion to extend the date to respond to the defendant's summary judgment motion. Dkt. No. 49. The motion gave no explanation for why the plaintiff needed additional time. The motion was not filed as an expedited motion under Local Rule 7(h). The motion asked the court to extend the deadline for responding to June 19, 2017. At 10:21 a.m. on June 19, the plaintiff filed a second unopposed motion to extend the response deadline, this time asking for

an extension to June 21, 2017. Dkt. No. 50. At 2:22 p.m. on June 21, 2017, the plaintiff filed yet another unopposed motion to extend the response deadline, this time asking for a deadline of June 22, 2017. Dkt. No. 51.

The court has no idea why the plaintiff needs these extensions. The court will deny the first two requests as moot. The court will grant the third motion, and will give the plaintiff a deadline of **Friday, June 30, 2017** by which to file his response to the defendant's motion for summary judgment. The court will grant no further extensions of time. The court will give the defendant a deadline of Friday, July 21, 2017 by which to file its reply brief.

The court **DENIES WITHOUT PREJUDICE** the plaintiff's second motion to extend deadlines. Dkt. No. 47.

The court **DENIES AS MOOT** the plaintiff's first motion for extension of time to respond to the defendant's summary judgment motion. Dkt. No. 49.

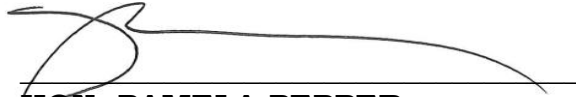
The court **DENIES AS MOOT** the plaintiff's second motion to enlarge time to respond to the summary judgment motion. Dkt. No. 50.

The court **GRANTS** the plaintiff's third motion for an extension of time. Dkt. No. 51. The court **ORDERS** that the plaintiff shall file his response to the defendant's motion for summary judgment by the end of the day on **Friday, June 30, 2017**. The court further **ORDERS** that it will grant the plaintiff no further extensions of time to respond to the summary judgment motion. The court **ORDERS** that if the defendant wishes to file a reply brief in support of its

motion for summary judgment, it shall do so by the end of the day on Friday, July 21, 2017.

Dated in Milwaukee, Wisconsin this 22nd day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a long, sweeping horizontal line that extends to the right.

HON. PAMELA PEPPER
United States District Judge