

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DELVARIS BOOKER,

Plaintiff,

v.

JOHNSONVILLE SAUSAGE LLC,

Defendant.

Case No. 16-CV-1047-JPS

ORDER

On April 21, 2017, Defendant filed a motion to compel Plaintiff to sit for a deposition, for monetary sanctions for his failure to attend his deposition previously scheduled for April 19, 2017, and for a thirty-day extension of the dispositive motion deadline. (Docket #22). Having reviewed the evidence submitted by Defendant, the Court is satisfied that an order should issue compelling Plaintiff to sit for a deposition, as he failed to do on April 19. *See* Fed. R. Civ. P. 37(a).

The Court will also grant Defendant's request for an extension of the dispositive motion deadline, pushing the deadline back from June 1 to June 30, 2017. However, to give the Court sufficient time to consider any dispositive motion prior to the September 11, 2017 trial date, it is necessary to shorten the briefing schedule provided in the Local Rules. *See* Civ. L. R. 56(b)(2)–(3). Any response to a party's dispositive motion will be due within twenty-one (21) days after service of the motion, and any reply will be due within seven (7) days of the response. No extensions of these deadlines will be granted.

Finally, the Court notes that there may also be a sufficient basis for an award of sanctions against Plaintiff, including attorney's fees and costs, which Defendant incurred in connection with the April 19 deposition. *See*

Fed. R. Civ. P. 37(d). Nevertheless, in order to expedite consideration of Defendant's other requests, the Court will reserve its ruling on the motion for sanctions until such time as it resolves the parties' dispositive motions. The motion for sanctions should be briefed separately from any dispositive motion—that is, Plaintiff's response is presently due May 15, 2017 (considering the three-day extension provided for service by mail), and Defendant's reply will be due fourteen (14) days after service of Plaintiff's response. *See* Civ. L. R. 7(b)–(c).

Accordingly,

IT IS ORDERED that Defendant's motion to compel, motion for sanctions, and motion for an extension of time (Docket #22) be and the same is hereby **GRANTED in part** as stated above;

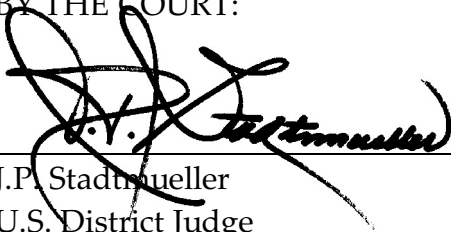
IT IS FURTHER ORDERED that Plaintiff shall sit for a deposition in this case no later than **June 1, 2017**, upon proper notice of the deposition by Defendant;

IT IS FURTHER ORDERED that the Court **RESERVES** ruling on Defendant's request for sanctions (Docket #22) at this time; and

IT IS FURTHER ORDERED that any dispositive motion in this matter shall be filed no later than **June 30, 2017**. A response to any dispositive motion shall be filed no later than **twenty-one (21) days** after service of the motion, and a reply may be filed no later than **seven (7) days** after service of the response. No extensions of these deadlines will be granted.

Dated at Milwaukee, Wisconsin, this 25th day of April, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge