

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

TERRANCE EDWARDS,

Plaintiff,

v.

JEREMY STANIEC, JOE BEAHM,
TRAVIS CAUL, ERIC KRUEGER,
and J. HAWKINS.,

Defendants.

ORDER

08-cv-352-bbc

Plaintiff claims that defendants violated his Eighth Amendment rights by using excessive force while restraining him on April 19, 2008. Now before the court is plaintiff's motion to compel defendants to answer interrogatories mailed to defendants on July 7, 2009 prior to the July 10, 2009 discovery cut off date. Defendants respond that plaintiff's discovery request was untimely.

As defendants point out, page 8 of this court's preliminary pretrial conference order states that the discovery cut-off is July 10, 2009. By this date discovery is supposed to have been completed, so that the parties could commence preparation for the August 10, 2009. Motions in limine were to be filed by July 24, 2009, and responses are to be filed by August 3, 2009.

However, it is possible that plaintiff could have construed the language of my order to mean that he could file discovery requests until July 10, 2009. Therefore, I will require defendants to answer plaintiff's interrogatories thirty days from the date they received them. Fed. R. Civ. P. Rule 33(b)(2). Because the interrogatories were filed so close to trial, I will only require defendants to answer those interrogatories that seek information material to plaintiff's excessive force claim. Those interrogatories are ##7, 8, 9, 12, 13, 15, 16, 21 and 22.

Plaintiff should have filed his requests sooner. He has had since September 2008 to conduct discovery. Plaintiff's failure to have the requested information for pre-trial preparation is his fault and not the fault of the defendants. Therefore, the court will not grant any requests for extensions of trial preparation deadlines.

ORDER

IT IS ORDERED that plaintiff's motion to compel, dkt. # 103, is DENIED.

Entered this 28th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge