

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

WILLIAM SCHMALFELDT,
Plaintiff,

Case No. 2:15-cv-01516-NJ

v.

SARAH PALMER, ET AL.,
Defendants.

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO THE PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

NOW COME Defendants Sarah Palmer and Eric Johnson, by and through their counsel Aaron J. Walker, Esq. in the above-styled case for the sole purpose of challenging personal and subject matter jurisdiction and service of process and without waiving any rights of jurisdiction, notice, process, service of process, joinder, or venue. They hereby jointly file this Motion for Extension of Time to Respond to the Plaintiff's Motion for Summary Judgment and state the following:

1. On Friday, March 18, 2016, the Plaintiff filed a Motion for Summary Judgment (Docket #25).
2. This motion was filed while a "Joint Motion to Dismiss Under Rule 12(b)(1), (2), and (5), and Opposition to Leave to Amend" (Docket #11) (hereinafter the "First MTD"). In other words, the Plaintiff wants this Court to decide the entire case before it has determined whether it has jurisdiction over these Defendants or the subject matter of this entire case.
3. Indeed, the Plaintiff claims that there are a number of undisputed facts when it is

not yet appropriate to dispute them yet, such as in the form of an answer. That will not be due until after this Court rules on the First MTD (Docket #11), and then any Motion to Dismiss under Rule 12(b)(6) filed pursuant to this Court's order of March 3, 2016 (Docket #17). Furthermore, some of the evidence needed to prove there is a genuine dispute of the evidence might not be available until discovery is well underway.

4. Therefore, these Defendants ask for this Court to extend their time to respond until twenty one days after discovery is complete in this case, if it is not dismissed before then. This would give these Defendants a full opportunity to develop facts in their favor before the Plaintiff's motion for summary judgment is decided.

WHEREFORE, this Court should order that the deadline to file any response to the Plaintiff's Motion for Summary Judgment (Docket #25) is extended until twenty one days after discovery has concluded, and this Court should provide any other relief that is just and equitable.

Friday, March 18, 2016

Respectfully submitted,

s/ Aaron J. Walker
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CIVIL L. R. 7(A)(2) CERTIFICATION

In compliance with Civil L. R. 7(a)(2), I certify that no separate supporting memorandum or other supporting papers will be filed in relation to this opposition.

CERTIFICATE OF SERVICE

I certify that on Friday, March 18, 2016, I served copies of this document on William Schmalfeldt by email by his consent.

s/ Aaron J. Walker