

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 05-17252)
)
DOUGLAS E. PARTIN)
DANIELLE L. PARTIN)
)
Debtors)
)
)
TIM ZIMMERMAN)
ROTH WEHRLY, INC.)
)
Plaintiffs)
)
vs.) PROC. NO. 06-1120
)
DOUGLAS E. PARTIN)
DANIELLE L. PARTIN)
)
Defendants)

DECISION AND ORDER DENYING MOTION TO COMPEL

At Fort Wayne, Indiana, on February 9, 2007.

Pursuant to the litigation schedule established for this matter, all discovery was to be completed by November 15, 2006. Order dated July 25, 2006. By the court's order of December 27, 2006, this matter is scheduled for a trial to be held on February 14, 2007. On February 7, 2007, the plaintiff filed a motion for default judgment or, alternatively, to compel discovery responses. In view of the fact that discovery closed months ago and the impending trial date, the motion is not timely. See, Packman v. Chicago Tribune Co., 267 F.3d 628, 646-47 (7th Cir. 2001). See also, JOM, Inc. v. Adell Plastics, Inc., 193 F.3d 47, 51 (1st Cir. 1999). Plaintiff's motion for default judgment or, in the alternative, motion to compel discovery responses is therefore DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court