

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FREDERICK MEANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:10cv851-MHT
	)	(WO)
PAUL'S BODY & PAINT SHOP,	)	
INC., and JAMES HOWARD,	)	
	)	
Defendants.	)	

OPINION AND ORDER

Based on the representations made on-the-record on July 14, 2011, it is ORDERED as follows:

(1) Defendant Paul's Body & Paint Shop, Inc.'s motion for leave to file summary-judgment motion out of time (doc. no. 38) is denied.

(2) Defendant Paul's Body & Paint Shop, Inc.'s motion for summary judgment (doc. no. 34) is denied as untimely.

(3) Plaintiff Frederick Means's motions to strike (doc. nos. 36 and 37) are denied as moot.

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Defendant Paul's Body & Paint Shop, Inc.'s extension request, which comes a month after the dispositive-motion deadline, violates § 15(b) of the uniform scheduling order (doc. no. 21) ("Absent stated unforeseen and unavoidable circumstances beyond the control of the movant, oral extension requests and motions are not allowed, and 'eleventh hour' extension requests and motions will be denied outright."); an earlier extension request was denied (doc. no. 33), and there was no request for reconsideration; and, with the current pretrial and trial dates, plaintiff Frederick Means would be prejudiced by an extension. See McClaney v. Macon County Bd. of Educ., 2011 WL 9015 (M.D. Ala. Jan. 3, 2011) (Thompson, J.).

DONE, this the 14th day of July, 2011.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE