IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

LEHMAN BROTHERS HOLDINGS INC., a Delaware corporation, Plaintiff, v. SECURITY NATIONAL MORTGAGE COMPANY, a Utah corporation, Defendant.	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT Case No. 2:11-CV-519 TS District Judge Ted Stewart

This matter is before the Court on Defendant's Motion for Leave to File Motion for Summary Judgment. For the reasons discussed below, the Court will grant the Motion.

This matter was originally filed on June 8, 2011. Under the scheduling order governing this case, the last day to file dispositive motions was September 4, 2012. Defendant has filed a Motion for Summary Judgment, which is currently pending before the Court. Defendant now seeks leave to file an additional motion for summary judgment addressing the statute of limitations.

Through its Motion, Defendant necessarily seeks to amend the Court's scheduling order. Federal Rule of Civil Procedure 16(b)(4) provides that "[a] schedule may be modified only for good cause and with the judge's consent." "Demonstrating good cause under the rule 'requires the moving party to show that it has been diligent in attempting to meet the deadlines, which means it must provide an adequate explanation for any delay.'"[1]

[1] *Strope v. Collins*, 315 F. App'x 57, 61 (10th Cir. 2009) (quoting *Moothart v. Bell*, 21 F.3d 1499, 1504 (10th Cir. 1994)).

Having reviewed Defendant's Motion, the Court finds that Defendant has failed to show good cause to modify the Scheduling Order. The statute of limitations issues Defendant now seeks to address could have and should have been raised prior to the expiration of the dispositive motion deadline. However, the Court notes that it has the "inherent authority to manage its own docket to allow for the disposition of cases."[2] The issues raised in Defendant's proposed motion for summary judgment are important issues that will need to be addressed by the Court prior to the trial scheduled in this matter. Therefore, the Court will permit Defendant to file a motion for summary judgment concerning the statute of limitations.

It is therefore

ORDERED that Defendant's Motion for Leave to File Motion for Summary Judgment (Docket No. 66) is GRANTED. Defendant's motion for summary judgment addressing the statute of limitations shall be filed at the same time as the supplemental briefing called for in the Court's May 7, 2014 Order (Docket No. 70). Plaintiff's response is due fourteen (14) days after the filing of Defendant's motion. Defendant may file a reply brief seven (7) days thereafter.

DATED this 29th day of May, 2014.

BY THE COURT:

Ted Stewart
United States District Judge

[2] *Carter v. Bigelow*, 869 F. Supp. 2d 1322, 1326 (D. Utah 2011).