

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

WADE A. WHISTLE

PLAINTIFF

v.

2:08CV00037 BSM

**DAVID H. ARRINGTON OIL & GAS INC.
and LANCE HOUGHTLING**

DEFENDANTS

ORDER

Presently before the court are the second motion for leave to amend answer filed by defendants David H. Arrington Oil and Gas, Inc. and Lance Houghling (collectively “defendants”) (Doc. No. 24), the motion to strike defendants’ reply filed by plaintiff Wade Whistle (“Whistle”) (Doc. No. 30), and defendants’ unopposed motion for leave to file supplement to defendants’ motion for summary judgment (Doc. No. 40).

Defendants request leave to file a second amended answer. According to the supplement (Doc. No. 39) filed by defendants, Whistle no longer objects to the defendants’ second motion for leave to amend answer. Thus, the motion is granted. Defendants are directed to file their second amended answer forthwith.

In his motion to strike, Whistle asserts that defendants are not allowed to file a reply brief pursuant to Local Rule 56.1. The court finds no bar to filing a reply in Local Rule 56.1. Furthermore, the final scheduling order (Doc. No. 9) issued by the court expressly provides, “Any reply to a response to a motion must be filed within five (5) days of service of the response.” As defendants timely filed their reply, the court denies Whistle’s motion to strike.

Finally, defendants also request leave to file a supplement to their motion for summary

judgment and to defendants' response to Whistle's motion for summary judgment. The unopposed motion is granted. Defendants are directed to file their supplement forthwith.

Accordingly, defendants' second motion for leave to amend answer (Doc. No. 24) is granted, plaintiff's motion to strike defendants' reply (Doc. No. 30) is denied, and defendants' unopposed motion for leave to file supplement to defendants' motion for summary judgment (Doc. No. 40) is granted. Defendants are directed to file their amended answer and supplement to their motion for summary judgment and to defendants' response to plaintiff's motion for summary judgment forthwith.

IT IS SO ORDERED this 6th day of May, 2009.


UNITED STATES DISTRICT JUDGE