

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

BILL CLARK

PLAINTIFF

v.

CASE NO. 2:08-cv-00197 BSM

**CITY COUNCIL OF THE CITY OF AUGUSTA,
ARKANSAS, A Public Body Corporate;
JIMMY RHODES, Individually and in His
Official Capacity as the Mayor of the City of
Augusta, Arkansas; and ROCKY TIDWELL,
Individually and in his Official Capacity as a
Member of the City Council of the City of
Augusta, Arkansas**

DEFENDANTS

ORDER

Plaintiff moves to strike defendants' motion for summary judgment [Doc. No. 26] as untimely. Defendants filed their summary judgment motion on August 13, 2010, well after the July 15, 2010 deadline for motions established by the amended final scheduling order. [Doc. No. 12]. The defendants failed to either seek an extension of this deadline or, as required by Eastern and Western Districts of Arkansas Local Rule 6.2(b), to ask the plaintiff if he objected to the late filing. The close proximity of the summary judgement motion to trial affords the plaintiff little time to both respond to the motion and prepare for trial. Accordingly, the plaintiff's motion to strike [Doc. No. 30] is GRANTED.

In their motion for summary judgment, defendants raise issues of legislative and qualified immunity. These issues will be dealt with at trial.

IT IS SO ORDERED THIS 2nd day of September, 2010.



UNITED STATES DISTRICT JUDGE