Dintelman v. USA Doc. 78

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS JONESBORO DIVISION

JEANE L. DINTELMAN

Plaintiff

*

VS.

UNITED STATES OF AMERICA

Defendant

*

NO: 3:07CV00081 SWW

UNITED STATES OF AMERICA

Counter Claimant

VS.

*

JEANE L. DINTELMAN and JIM L.

DINTELMAN

Counter Defendants

*

Counter Defendants

*

Counter Defendants

*

Counter Defendants

ORDER

Before the Court is the United States' motion (docket entry #70) to strike the motion for summary judgment filed by Plaintiff/Counter Defendant Jeane L. Dintelman ("Dintelman") (docket entry #47), and Dintelman's response in opposition (docket entry #73). After careful consideration, the motion to strike will be denied, and the United States will be granted an extended period of time in which to respond to the motion for summary judgment.

The trial in this case, which was previously continued, is scheduled to begin August 31, 2009, and Dintelman filed her motion for summary judgment on July 3, 2009. The United States

notes that Dintelman's supporting brief is lengthy, she has filed hundreds of exhibits in support

of her motion, and the motions deadline expired on May 21, 2008. The United States asserts that

it has insufficient time to respond and that the motion should be stricken as untimely.

Alternatively, the United States asks for extra time to respond. Dintelman responds that she

believed the deadline for dispositive motions was sixty days before trial, and she did not realize

that the motions deadline was not automatically extended when the trial date was continued.

The Court finds that the Dintelman's motion, though untimely, should be considered prior

to trial. Accordingly, the United States' motion to strike (docket entry #70) is denied. The

United States is granted up to and including 14 days from the entry date of this order in which to

file a response.

IT IS SO ORDERED THIS 21ST DAY OF JULY, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE