

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