

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

**MID-CONTINENT CASUALTY CO. PLAINTIFF**

**V. CASE NO. 4:07CV01154 JMM**

**ANTHONY SULLIVAN d/b/a SULLIVAN  
CUSTOM AGRI SERVICE DEFENDANT/COUNTER  
PLAINTIFF**

**V.**

**GREG GASAWAY, LANCE GASAWAY and  
CLINT GASAWAY DEFENDANTS**

**AND**

**MID-CONTINENT CAUSALTY CO. PLAINTIFF**

**V. CASE NO. 4:07CV01155 BSM**

**ANTHONY SULLIVAN d/b/a SULLIVAN  
CUSTOM AGRI SERVICE DEFENDANT/COUNTER  
PLAINTIFF**

**V.**

**GREG DAY DEFENDANT**

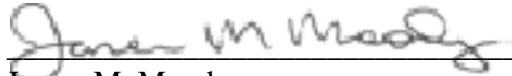
**ORDER**

Pending is Plaintiff's motion to strike. (Docket #34 in case no. 4:07CV1155). Defendant, Anthony Sullivan d/b/a Sullivan Custom Agri Service has responded. Plaintiff asks the Court to strike this defendant's motion for summary judgment filed November 13, 2008 and reply brief filed December 1, 2008 as untimely. The scheduling order entered in this case set a motions deadline of November 6, 2008. The Court finds that no prejudice or delay will result from considering Defendant's motion, accordingly, the Court will consider all pleadings filed.

Plaintiff is directed to respond to the merits of Defendant's motion within ten (10) days of the entry of this order.

Wherefore, Plaintiff's motion to strike is denied.

IT IS SO ORDERED this 11<sup>th</sup> day of December, 2008.

A handwritten signature in cursive script, appearing to read "James M. Moody", is written above a horizontal line.

James M. Moody  
United States District Judge