

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

MARQUITA M. JAMES and
TIFFANY N. JACKSON,

Plaintiffs,

vs.

No. 4:08cv004227 SWW

ST. FRANCIS COUNTY COMMUNITY
DEVELOPMENT CORPORATION et al.,

Defendants.

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ORDER

This is a case of alleged employment discrimination and is brought pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e et seq., 42 U.S.C. §§ 1981, 1983, 1985, and the 14th Amendment to the Constitution of the United States. On May 22, 2009, the federal defendants – Opal Sims, Katherine W. Kores, Wanda C. Milton and Gloria J. Jordan – filed a motion to dismiss [doc.#12]. By Order entered June 15, 2009 [doc.#15], this Court granted the federal defendants’ motion to dismiss, noting *inter alia* that plaintiffs had not responded to the federal defendants’ motion and the time for doing so had passed.

On June 24, 2009, plaintiffs filed a motion to set aside Order [doc.#17]. Plaintiffs argued they did not receive and were never served with a copy of the federal defendants’ motion to dismiss and that in the interest of justice and fair play, this Court should set aside its Order of dismissal and allow plaintiff’s reasonable time to respond to the federal defendants’ motion to dismiss. In the alternative, plaintiffs asked that this Court allow them a reasonable amount of time in which to file a motion for reconsideration. The federal defendants responded to

plaintiffs' motion to set aside Order, stating they had no objection to permitting plaintiffs to file a motion for reconsideration and response to the federal defendants' motion to dismiss.

On July 7, 2009, prior to this Court ruling on plaintiffs' motion to set aside Order, plaintiffs filed a response to the federal defendants' motion to dismiss. Having considered the matter, the Court will deny as moot plaintiffs' motion to set aside Order [doc.#17] and will construe plaintiffs' response to the federal defendants' motion to dismiss as a motion for reconsideration of this Court's Order granting the federal defendants' motion to dismiss [doc.#15]. The Court directs the federal defendants to file a response to plaintiffs' response/motion for reconsideration [doc.#'s 21,22] within fourteen (14) days of the date of entry of this Order.

IT IS SO ORDERED this 10th day of July 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE