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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HOYT HART,	
	Plaintiff,
v.	
SCOTT R. LARSON, et al.,	
	Defendants.

Case No.: 3:16-cv-01460-BEN-MDD

ORDER:
(1) DENYING MOTION TO STRIKE,
[Doc. 148];
(2) GRANTING MOTION FOR
EXTENSION OF TIME, [Doc. 151].

Following the jury’s verdict on August 15, 2019, the Court ordered that all post-trial motions be filed no later than September 4, 2019. The Court then issued a minute order providing the same deadline with all oppositions to be filed no later than September 14, 2019. Doc. 127. On September 16, 2019, more than ten days after the Court’s deadline to file post-trial motions, Plaintiff Hoyt Hart filed a Motion for New Trial. Doc. 147.

Defendant Scott Larson now moves *ex parte* to strike Hart’s Motion as untimely and in violation of the Court’s scheduling order. Doc. 148. In response, Hart filed an opposition and a motion for an extension of time to file his Motion for New Trial, nunc pro tunc, to September 16, 2019. Doc. 151. Although Hart violated the Court’s scheduling order, he filed his Motion for New Trial within the 28 days permitted under Federal Rule

1 of Civil Procedure 59. Accordingly, Larson's motion to strike is **DENIED**, and Hart's
2 motion for an extension to file, nunc pro tunc, to September 16, 2019, is **GRANTED**.

3 **IT IS SO ORDERED.**

4
5 Date: October 2 2019


6 HON. ROGER T. BENITEZ
7 United States District Judge