

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00134-PAB-KMT

SPRING CREEK EXPLORATION & PRODUCTION COMPANY, LLC, and
GOLD COAST ENERGY, LLC,

Plaintiffs,

v.

HESS BAKKEN INVESTMENT II, LLC, f/k/a TRZ ENERGY LLC, and
STATOIL OIL & GAS LP, f/k/a BRIGHAM OIL & GAS LP,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the Motion to Strike Plaintiffs' Rule 56(d) Motion for Additional Time for Failure to Comply with Judge Philip A. Brimmer's Practice Standards [Docket No. 116] filed by defendant Statoil Oil & Gas LP ("Statoil"). Statoil asks the Court to strike plaintiffs' Motion for Additional Time to Respond to Statoil's Motion for Summary Judgment (Docket No. 113) on the grounds that plaintiffs' motion was untimely. Statoil filed its Motion for Summary Judgment on June 18, 2015. See Docket No. 99. Statoil states that, because plaintiffs' response was due July 9, 2015 (21 days after June 18, 2015), plaintiffs' July 8, 2015 motion for an extension of time violated the Court's practice standards, which require any motion for an extension of time to be filed no later than three business days before the date on which the filing is due. Docket No. 116 at 2; see *also* Practice Standards (Civil cases), Judge Philip A. Brimmer § I.G.2.

Statoil's motion is based on a mistaken calculation of the deadline for plaintiffs to respond to Statoil's summary judgment motion. Statoil served its motion for summary judgment via the CM/ECF system. See Docket No. 99 at 21. Pursuant to D.C.COLO.LCivR 7.1(d) (response due 21 days after motion is filed) and Fed. R. Civ. P. 6(d) and 5(b)(2)(E) (three additional days for electronic service), plaintiffs' response was not due until July 13, 2015. Plaintiffs filed their June 8, 2015 motion for an extension of time three business days before their filing deadline, in compliance with the Court's practice standards. Accordingly, it is

ORDERED that the Motion to Strike Plaintiffs' Rule 56(d) Motion for Additional Time for Failure to Comply with Judge Philip A. Brimmer's Practice Standards [Docket No. 116] is **DENIED**.

DATED July 14, 2015.