

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KENNARD WARFIELD, JR., *et al.*,

Plaintiffs,

v.

Case No. 2:07-cv-332-FtM-33SPC

JAMES A. STEWART, *et al.*,

Defendants.

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**ORDER**

Before the Court are Defendants' Motions for Reconsideration or, in the Alternative, Motions for Extension of Time, both filed on June 3, 2009 (collectively, the "Reconsideration Motions," Doc. ## 249 and 250). On June 5, 2009, Plaintiffs filed their Response in Opposition to the Reconsideration Motions (Doc. # 263). For the reasons that follow, the Court grants the Reconsideration Motions.

On April 27, 2009, Defendants filed their Extension Motions, in which Defendants sought an extension of time, until and including May 25, 2009, to file dispositive motions (Doc. ## 218 and 220). On April 29, 2009, the Court granted Defendants' Extension Motions, thereby setting May 25, 2009, as the deadline for filing dispositive motions (Doc. ## 222 and 223).

On May 26, 2009, Defendants filed their Summary Judgment Motions (Doc. ## 238, 239). On June 1, 2009, this Court denied the Summary Judgment Motions as untimely (Doc. # 244). Defendants seek an order of reconsideration or, in the alternative, further extension of the dispositive motions deadline because Memorial Day, a federal holiday observed on the last Monday of May, fell on May 25, 2009.

Plaintiffs contend that "VIP/Hall knew or should have known that their requested enlarged deadline, May 25, 2009, was Memorial Day. . . . [B]y its plain language, Fed.R.Civ.P. 6(a), does not apply where a court has ordered that an act be done by a date certain. Rather, it applies only to situations wherein the parties are required to 'compute any time period.'" (Doc. # 253 at 3).

This Court has considered the Reconsideration Motions as well as Plaintiffs' Response and, keeping with the time honored tradition of observing Memorial Day and other federal holidays enumerated in the Federal Rules of Civil Procedure, grants the Reconsideration Motions.


The Court vacates its June 1, 2009, Order denying Defendants' Summary Judgment Motions as untimely. (Doc. # 244). The Court will consider the Summary Judgment Motions on their merits.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) Defendants' Reconsideration Motions (Doc. ## 249 and 250) are **GRANTED**.
- (2) The Court vacates its June 1, 2009, Order denying Defendants' Summary Judgment Motions as untimely (Doc. # 244).

**DONE and ORDERED** in Ft. Myers, Florida, this 9th day of June, 2009.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record