

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

MICHAEL ANDERSON,

Plaintiff,

-vs-

Case No. 2:10-cv-111-FtM-36SPC

CITY OF NAPLES; NAPLES POLICE  
DEPARTMENT; RALPH ANTHONY,

Defendants.

---

**ORDER**

This matter comes before the Court on Defendants' Motion for Leave to File Amended Response to Motion for Summary Judgment and Separate Cross Motion for Summary Judgment (Doc. #35) filed on October 21, 2010. Due to several scrivener's errors in their previous filing, Defendants move the Court to allow them to re-file their response to Plaintiff's Motion for Summary Judgment and file a separate cross motion for summary judgment. Even though the Court had not granted leave to do so, Defendant filed its amended response and cross motion one day after requesting leave. This was improper. The purpose of a motion for leave is to give the Court time to determine whether there are adequate grounds for the relief requested. In the future, Defendants must wait for a ruling from the Court before filing. With respect to the instant motion, the Court will allow the amended filing for good cause shown. The Court accepts the amended response (Doc. #36) and the separate cross motion for summary judgment (Doc. #37) filed by Defendants.

Accordingly, it is now

**ORDERED:**

Defendants' Motion for Leave to File Amended Response to Motion for Summary Judgment and Separate Cross Motion for Summary Judgment (Doc. #35) is **GRANTED**. Given that the Court has granted Defendant leave to file an amended Cross Motion for Summary Judgment, Defendants' first Cross Motion for Summary Judgment (Doc. #26) is **DENIED AS MOOT**. Pursuant to Local Rule 3.01(b), Plaintiff has 14 days from the date of service of Defendants' Cross Motion for Summary Judgment to file his opposition to the motion with the Court in a document not more than 20 pages in length.

**DONE AND ORDERED** at Fort Myers, Florida, this 25th day of October, 2010.

  
SHERI POLSTER CHAPPELL  
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record