

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DENNIS HUNT,

Plaintiff,

Case No: 8:07-CV-1168-T-30TBM

vs.

LAW LIBRARY BOARD, NORMA J. WISE,
and DAVID L. PILVER,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO
AMEND (Doc. 49) AND TO PLAINTIFF'S MOTION TO EXTEND TIME
(Doc. 50) , WITH INCORPORATED MEMORANDUM OF LAW IN SUPPORT**

COMES NOW Defendants, and through their undersigned counsel file their Response to Plaintiff's Motion for Leave to Amend (Doc. 49) and to Plaintiff's Motion to Extend Time (Doc. 50).

1. Defendants oppose both Motions (Doc. 49 and Doc. 50).
2. Plaintiff did not consult with undersigned counsel in advance of filing either Motion, so Plaintiff failed to comply with Local Rule 3.01(g).

Plaintiff's Motion for Leave to Amend (Doc. 49)

3. Plaintiff's Motion for Leave to Amend (Doc. 49) comes almost one year after the Case Management Order (Doc. 20) advised the parties that such motions filed after the Case Management Order are "disfavored", referring to Rules 3.05(c)(2)(E). The Motion fails to attach a copy of Plaintiff's proposed amended pleading as required by Rule 4.01(a). Amendment of the pleadings at this late stage would prejudice Defendants. *Maynard v. Board of Regents*, 342 F.3d 1281, 1286-87 (11th Cir. 2003) (district court did

not abuse discretion in denying plaintiff's motion for leave to amend, filed on last day of extended discovery period, because amendment "would have produced more attempts at discovery, delayed disposition of the case, and likely prejudiced" the defendant, and there was no good reason why plaintiff could not have filed motion earlier). Finally, Plaintiff has stated no "justifying reason" that would form a basis for granting his request. *Beren v. Raymond James*, 2009 U.S. Dist. LEXIS 21249 (M.D. Fla. 2009), citing to *Foman v. Davis*, 371 U.S. 178, 182 (1962).

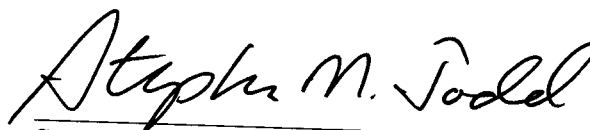
Plaintiff's Motion to Extend Time (Doc. 50)

4. Plaintiff also seeks to file amended responses to the Defendants' Motions for Summary Judgment. Previously, the Court has twice granted extensions of time permitting Plaintiff additional time to respond to Defendants' Motions for Summary Judgment (Docs. 39, 45). Plaintiff has now filed Responses (Docs. 46 through 48), but now wants to file amended Responses. The reasons given are that he doesn't have a lawyer and that he is "addressing medical issues".

5. Defendants oppose Plaintiff's Motion. Plaintiff has provided no explanation of why he could not have presented his arguments before his twice-extended deadline. Denial of the Motion is justified on that basis alone. *Keeler v. Dept. of Health*, 2009 U.S. Dist. LEXIS 8880 (11th Cir. 2009).

For the reasons stated, both Motions should be denied.

Respectfully submitted,

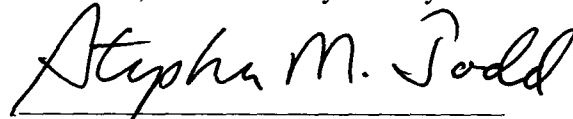


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served to **Dennis Hunt, 2319 Nantucket Drive, Sun City Center, FL 33573-8005**, via Certified U.S. Mail, and via e-mail to **hunt Dennis2007@yahoo.com**, on this 7th day of May 2009.



Stephen M. Todd