

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**FRED PROCTOR,**

**Plaintiff,**

vs.

**CASE NO. 3:10cv149-RS/MD**

**COUNTRYWIDE FINANCIAL,  
a Delaware corporation; COUNTRYWIDE HOME  
LOANS, INC., a New York corporation;  
BAC HOME LOANS SERVICING, LP, a  
Texas Limited Partnership; LARRY WRIGHT,  
Individually; WRIGHT & ASSOCIATES OF  
NORTHWEST FLORIDA, INC. a Florida corporation;  
CHRISTOPHER LEE PEAVY, Individually; JAMES  
A. PEAVY, JR., Individually; ANDREW PICKEL,  
Individually; and PEAVY AND ASSOCIATES, Inc.,  
a Florida corporation,**

**Defendants.**

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**ORDER**

Before me is Defendants' motion for summary judgment (Doc. 67).

The scheduling and mediation order provides that the deadline for filing dispositive motions is fourteen days after the discovery deadline. (Doc. 37). The discovery deadline was originally October 21, 2010. (Doc. 37). On October 20, 2010, I extended the discovery deadline until November 19, 2010, (Doc. 59) making the dispositive motions due December 3, 2010. Defendants' motion was

filed on December 30, 2010, twenty-seven days late. On November 29, 2010, I extended the discovery deadline until December 10, 2010, but clearly stated that no other deadlines were extended. (Doc. 61)<sup>1</sup>.

Defendants have failed to show good cause for the late filing of this motion. In addition, this late filing makes Plaintiff's response due a mere six days before trial, which would unfairly cut into Plaintiff's trial preparation time. Therefore, Defendants' motion for summary judgment (Doc. 67) is denied as untimely.

**ORDERED** on January 11, 2011.

**/s/ Richard Smoak**  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Even if the dispositive motions deadline had also been extended with this order, the deadline would have been December 27, 2010, and Defendants' motion would still be untimely.