

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TERRY CARTRETTE TINDALL,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 5:10-cv-44 (CAR)
	:	
v.	:	
	:	
H & S HOMES, LLC, et al.,	:	
	:	
Defendants.	:	
_____	:	

**ORDER PLAINTIFF’S OBJECTION &
MOTION FOR RECONSIDERATION**

On June 17, 2010, Defendants filed a “Motion for Extension of Time to Respond to Plaintiff’s Motion for Summary Judgment . . . on Claims Asserted in [the] Second Amended Complaint.” Therein, Defendants essentially requested that the Court allow them additional time to respond to arguments in Plaintiff’s Motions for Summary Judgment [Doc. 158] which relate to new claims added in the recently filed Second Amended Complaint. Defendants asked that the deadline to respond to those arguments be extended until after the Court rules on their pending Motion for Judgment on the Pleadings and Motion to Dismiss. The Court did not find this to be an unreasonable request. The additional effort in responding to those portions of Plaintiff’s motion need not be wasted if the Court may later grant Defendants’ other pending motions. The Court thus granted the request by text order on June 20, 2011, stating that “Defendants shall have until twenty (20) days after this Court enters its orders on Defendants’ Motion for Judgment on the Pleadings and Rule 12(b)(6) Motion Respecting Second Amended Complaint to respond to those portions of Plaintiff’s Motion for Summary Judgment.”

Plaintiff has now filed an Objection and Motion for Reconsideration [Doc. 191] of the Order granting Defendants' request for additional time. Plaintiff contends that Defendants had sufficient notice of the claims they now seek to dismiss and that Defendants' Motion for an Extension of Time was simply another effort to the delay the resolution of this case.

Plaintiff's argument is well-taken. However, most of his argument will be better made in response to the pending Motion to Dismiss. For the purpose of resolving the present matter, the Court finds that, in light of the number of pending dispositive motions, very little delay will be incurred by granting Defendants' request for an extension of time to respond. Plaintiff filed his Second Amended Complaint on May 25, 2011 – *after* all the dispositive motions had been filed and more than seven months after the Court's October 5, 2010 Order allowing the amendment. As a consequence of Plaintiff's delay, Defendants have only just now filed their Motion for Judgment on the Pleadings [Doc. 161] and Motion to Dismiss [Doc. 186] with respect to the Second Amended Complaint. Those motions will be addressed before the Court considers the *nine* pending Motions for Summary Judgment [Doc.s 153, 154, 155, 158, 163, 164, 165, 168, & 171] for which the parties have requested hearings [Doc.s 156, 157, 172, & 178]. The process of considering and possibly holding a hearing on each of these motions will likely take months. Thus, Defendants' full response to Plaintiff's Motion for Summary will, in all likelihood, be filed well-before the matter will be considered by the Court. No undue delay will result from the Court's grant of Defendants' Motion for Extension of Time. Plaintiff's Motion for Reconsideration is accordingly **DENIED**.

It is SO ORDERED this 5th day of July, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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