

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	Robert M. Dow, Jr	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	10 C 1691	<b>DATE</b>	12/14/2010
<b>CASE TITLE</b>	Cartwright vs. Cooney		

### DOCKET ENTRY TEXT

For the reasons stated below, Defendant's motion to strike decision granting Plaintiff's motion for extension of time [27] is respectfully denied.

■ [ For further details see text below.]

Notices mailed by Judicial staff.

### STATEMENT

In a December 1, 2010, minute order [23], the Court granted Plaintiff's motion for an extension of time to file her response to Defendant's motion to dismiss. That order extended the time for the response brief by about three weeks and also extended the date for Defendant's reply brief, if any. Defendant has filed a motion to strike the Court's order. That motion is denied for several reasons.

To begin with, as a review of the docket sheet in this matter reveals, Defendant himself received two extensions of time [see 11, 14] prior to filing his responsive pleading in this matter – a motion to dismiss [17]. Plaintiff since has received one extension of time [see 24] to file a response to Defendant's motion. As Defendant notes, Plaintiff did not timely file her motion. However, in the body of the motion [21], Plaintiff plausibly explained that she mistakenly calendared the due date for the response brief, confusing it with the due date for the reply. At the end of the day, the time extended for Plaintiff's response brief amounts to approximately 21 days, which is neither unusual in the mine run of cases nor disproportionate to the amount of additional time that Defendant was given to file the motion to dismiss in the first place.

Finally, Defendant raises concerns about the notice that he received in regard to the presentment date for the motion. Plaintiff represented that she served the motion by e-mail; Defendant claims not to have received the motion papers at Defendant's address or any other address. The parties are directed to confer regarding the best methods for ensuring service and receipt of court papers in this matter consistent with the requirements under the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Illinois. In addition, Defendant is advised that if he would like instantaneous notice of all court filings in this matter, he should contact the Clerk's Office for information on becoming an electronic filer in this Court. Information on e-filing and the Court's free e-filing training program, which is available to *pro se* litigants, may be found on the Court's website at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

In view of the ruling set forth above, the notice of motion date of 12/16/2010 is stricken and no appearances are

**STATEMENT**

necessary on that date.