

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

J & J SPORTS PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-cv-193-JPG
)	
SHERNAKEIA WARD, <i>individually and</i>)	
<i>doing business as Keya’s Corp., doing</i>)	
<i>business as Fischer’s Sports Bar & Grill,</i>)	
and KEYA’S CORP., <i>doing business as</i>)	
<i>Fischer’s Sports Bar & Grill,</i>)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff J & J Sports Productions, Inc.’s (“J & J”) Motion for Leave (Doc. 21). Specifically, in response to the Court’s Memorandum and Order (Doc. 20) of July 6, 2010, to show cause, J & J requests leave to file its opposition to Defendants Shernakeia Ward and Keya’s Corp.’s (“Keya’s”) Motion to Dismiss (Doc. 10) and Memorandum (Doc. 11) in support thereof. J & J cites the fact that “a briefing schedule in this matter was never entered” as the basis of its non-responsiveness. (Doc. 21, p. 1, ¶ 3).

Put simply, the Court is unimpressed with J & J’s justification for failing to timely file its response brief. Even though a briefing schedule had not been entered at the time of Ward and Keya’s motion, the local rules remained applicable. Local Rules 7.1(c) and 5.1(c) are particularly relevant with respect to the briefing deadlines surrounding a motion to dismiss. They essentially give a defendant 33 days in which to file his response to a motion to dismiss. In fact, the case’s docket sheet explicitly stated the deadline for J & J’s response. (*See* Doc. 10 docket entry) (“Responses [to dismissal motion filed 5/26/2010] due by 6/28/2010”).

Nevertheless, being fully advised of the premises, the Court **GRANTS** the instant motion

(Doc. 21), thereby **DISCHARGING** the show cause order of July 6, 2010, and **DEEMING** J & J's response brief to be timely. **The Court expects J & J to adhere to the local rules in the future.** Ward and Keya's shall have up to and including August 13, 2010, to file its reply, if any.

IT IS SO ORDERED.
DATED: July 27, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE