

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

STEVEN BURNETT,

Plaintiff,

v.

CITY OF HERRIN, ILLINOIS, *et al.*,

Defendants.

Case No. 10-cv-533-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants’ Response (Doc. 56) to the Court’s Memorandum and Order to Show Cause (Doc. 51) of December 3, 2010. The Court entered said order upon Defendants’ failure to timely respond to Plaintiff’s Motion *in Limine* (Doc. 37).

Motions *in limine* are typically filed when a definitive trial date draws near. This Court’s usual course of action is to take up motions *in limine* at the final pre-trial conference or the morning of the first day of trial. In light of these realities, the Court is satisfied with Defendants’ explanation and believes that Defendants had good cause for not timely responding to Plaintiff’s motion. Nevertheless, while Plaintiff’s motion is premature, this does not change the fact that Defendants should have timely filed a response thereto or promptly sought a stay on the motion’s briefing. In the future, any such non-responsiveness shall be construed as an admission of the merits of the motion.

Being fully advised of the premises, the Court **DISCHARGES** its Memorandum and Order to Show Cause (Doc. 51). Defendants shall have up to and including 30 days before

the date of the final pre-trial conference to file their response to the aforementioned motion.

Plaintiff shall file his reply, if any, within 14 days of said response.

IT IS SO ORDERED.

DATED: December 21, 2010

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**