

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NORTHERN NATURAL GAS CO.,
Plaintiff,

vs.

No. 08-1405-JTM

L.D. DRILLING, INC., *et al.*,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the Motion for Leave to File Summary Memoranda in Excess of Approved Page Limits (Dkt. 726) filed by defendants Estate of L.D. Davis and L.D. Davis Drilling, *et al.* The defendants seek permission to file summary judgment motions on the issue of the statute of limitations and the claim of equitable relief, along with supporting exhibits (Dkt. 739-1, 739-2). Such pleadings would exceed the court's allowed page limits, when taken together with other summary judgment motions filed by defendants. Plaintiff Northern Natural Gas opposes the motion. (Dkt. 740).

The plaintiff correctly notes that the court highly disfavors the *seriatim* filing of multiple dispositive motions. However, taking into account the importance and circumstances of the present case, the court finds that the limited relief sought by defendants is warranted.

Accordingly, as a limited exception to the requirements and deadlines set forth in the April 17, 2019 Pretrial Order (Dkt. 725, at 42), the court hereby orders:

- (1) the defendants are given leave to file, on or before May 9, 2019, the documents presented in their Supplement (Dkt. 739), namely, the Motion for Summary Judgment on Statute of Limitations (Dkt. 739-2, at 1-3) and supporting exhibits (Dkt. 739-1) and the Motion for Summary Judgment and Memorandum in support as to Northern's Equitable Relief Claim (Dkt. 739-2, at 4-11), and supporting exhibits (*id.* at 12-16);
- (2) plaintiff's response time to said motions is extended to May 29, 2019.

The court will consider the Supplement materials presented in Dkt. 739; additions or modifications to the Supplement materials is not permitted. The reply time is not extended. All other deadlines in the Pretrial Order otherwise remain in place.

IT IS ACCORDINGLY ORDERED this day of May, 2019, that the defendants' Motion for Leave (Dkt. 726) is hereby granted as provided herein.

s/ J. Thomas Marten
J. Thomas Marten, Judge