

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

CASE NO. 13-CV-14076

JAMIE HOLDEN,

HONORABLE GEORGE CARAM STEEH

Intervening Plaintiff,

v.

THE PINES OF CLARKSTON,
INC.,

Defendant.

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**ORDER DENYING PLAINTIFF’S MOTION TO STRIKE (Doc. 33) and
GRANTING PLAINTIFFS A TIME EXTENSION**

The original dispositive motion cut-off date in this employment discrimination case was September 2, 2014. Defendant never filed a dispositive motion before the cut-off date expired. Instead, defendant filed a motion for sanctions seeking dismissal which this court denied. After the motion for sanctions was filed, defendant sought leave of court to file a dispositive motion on or before November 30, 2014, which the court granted. Defendant filed its dispositive motion on December 17, 2014. Now before the court is intervening plaintiff Jamie Holden’s motion to strike defendant’s motion as time-barred. Holden’s counsel argues that he will be prejudiced if the motion is not stricken as he has a prepaid vacation planned until January 9, 2015, and will be preparing for trial to begin on February 10, 2015. Because the court deems it desirous to consider the dispositive motion pretrial,

plaintiff's motion to strike shall be denied. Given defendant's significant delay in filing its dispositive motion after the dispositive motion cut-off date, and its conduct in first filing a motion for sanctions in lieu of such a motion, however, plaintiffs EEOC and Holden shall be granted an extension of time to respond.

Accordingly, intervening plaintiff's motion to strike (Doc. 33) is DENIED and plaintiffs' responses to defendant's motion for judgment on the pleadings or for summary judgment (Doc. 32) shall be filed on or before March 2, 2015. Defendant's reply shall be filed within fourteen days after service of the response. If necessary, a hearing will be scheduled by separate order of the court.

IT IS SO ORDERED.

Dated: December 19, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 19, 2014, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk