

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

G.D. & R.D. obo G.D.,

Plaintiffs,

v.

Case No. 20-12864

UTICA COMMUNITY
SCHOOLS,

Honorable Nancy G. Edmunds

Defendant.

_____ /

UTICA COMMUNITY
SCHOOLS,

Plaintiff,

v.

R.D, G.D., G.D., a minor child,
and JASON DANIEL WINE,

Defendants.

_____ /

ORDER DENYING UTICA COMMUNITY SCHOOLS' MOTION TO STRIKE [90]

The matter is before the Court on Utica Community Schools' motion to strike Defendants' motion for summary judgment (ECF No. 89) as untimely. (ECF No. 90.) The school district alternatively seeks an extension of time to file a response to that motion. Defendants have filed a response opposing the motion to strike but do not oppose the request for an extension. (ECF No. 91.)

The Court finds that its previous orders can reasonably be understood to allow both parties to file their dispositive motions addressing the appeal of the ALJ's decision by February 22, 2022. Defendants therefore properly filed their motion by that deadline.

And to the extent the previous orders indicated otherwise, the Court notes that Defendants' motion for summary judgment relates to the same issues raised in the school district's motion for judgment on the pleadings that is currently pending (ECF No. 88). Thus, the Court finds it is in the interests of justice to address Defendants' motion on the merits and the school district will not be prejudiced by it doing so.

For the foregoing reasons, the Court DENIES the motion to strike. In light of this motion, the Court will, however, grant both parties a brief extension to file their responses to the pending dispositive motions. Those responses must be filed by March 23, 2022.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: March 16, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 16, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager