

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL SKIDMORE,

Plaintiff,

v.

Civil Case No. 14-13031
Honorable Linda V. Parker

ACCESS GROUP, INC.,
EXPERIAN, KENTUCKY
HIGHER EDUCATION
STUDENT LOAN CORP., and
MRS BPO, LLC,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT ACCESS GROUP,
INC.'S "EMERGENCY MOTION TO STAY THE DEADLINE OF TIME
TO FILE ITS RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT"**

In this action, filed August 4, 2014, Plaintiff Daniel Skidmore ("Plaintiff") claims that Defendants violated state and federal law by failing to properly process payments made toward his student loans and then by reporting the loans as unpaid to credit reporting agencies. Plaintiff filed a First Amended Complaint on March 11, 2015. Defendant Access Group, Inc. ("AGI") and Defendant Kentucky Higher Education Student Loan Corp. ("KHESLC") filed motions to dismiss on March 24 and 25, 2015, respectively. On October 9, 2015, Plaintiff filed a motion for partial summary judgment against AGI (ECF No. 58), at which time AGI's motion to

dismiss remained pending before the Court. AGI therefore filed a motion asking the Court to stay the deadline for it to respond to Plaintiff's motion until disposition of AGI's motions to dismiss. (ECF No. 60.) The Court granted AGI's motion to stay on October 27, 2015, indicating that AGI had twenty-one days from the filing of the Court's decision on AGI's motion to dismiss to file its response to Plaintiff's summary judgment motion. (ECF No. 62.) On November 4, 2015, the Court issued its decision granting in part and denying in part AGI's motion to dismiss. (ECF No. 63.)

As a result, AGI's response to Plaintiff's pending summary judgment motion is due on November 30, 2015.¹ On November 19, 2015, AGI filed an "Emergency Motion to Stay the Deadline of Time to File its Response to Plaintiff's Motion for Summary Judgment." (ECF No. 65.) The Court is unclear why AGI requests a "stay" and cites to cases relevant to a court's decision to stay the entire proceedings, when all it is seeking is a simple extension of time governed by Rule 6 of the Federal Rules of Civil Procedure.

¹ The Local Rules for the Eastern District of Michigan provide the non-movant with twenty-one days to respond to a dispositive motion. E.D. Mich. LR 7.1(e)(1)(B). However, the Federal Rules of Civil Procedure provide that three additional days are added when calculating deadlines for when a party must act after service, when service is made by *inter alia* first class mail. Fed. R. Civ. P. 6(d). According to the District's Electronic Filing Policies and Procedures (which are an appendix to the local rules), motions served electronically are treated as though served by first class mail. E.D. Mich. ECF R. 15.

Rule 6 provides in relevant part:

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

Fed. R. Civ. P. 6(b). AGI establishes good cause for its need for additional time to respond to Plaintiff's motion. According to AGI, it "has been diligently preparing its Response", but needs additional time to finalize and obtain certain supporting affidavits which cannot be secured by the filing deadline due to "witnesses' schedules during the week of the Thanksgiving holiday." (ECF No. 65 ¶ 6.) AGI indicates that it will be able to file its response on or before December 16, 2015.

Therefore, the Court is **GRANTING** AGI's motion for an extension of time to file its response brief and the brief is due on or before December 16, 2015.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 20, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 20, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager