

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Armstrong,

Plaintiff,

Civ. No. 10-1340 (RHK/JJG)

ORDER

v.

Target Corporation,

Defendant.

This matter is before the Court *sua sponte*.

Defendant Target Corporation (“Target”) has moved for summary judgment in the above-captioned matter. (See Doc. No. 60.) Although the hearing on its Motion is not scheduled to take place until October 12, 2011, all of the briefing was completed by August 24, and the Court has conducted an initial review of the materials. In support of its Motion, Target relies heavily upon the deposition testimony of Plaintiff Anthony Armstrong. Armstrong argues, however, that his deposition was conducted “in bad faith” and cannot be used as evidence. (Mem. in Supp. 1.) He also avers that he was unable to obtain a transcript of the deposition due to his inability to pay the associated fees. (See Armstrong Aff. (Doc. No. 66) ¶ 2.) Subsequently, Target filed a complete transcript of Armstrong’s deposition along with its Reply Memorandum, and Armstrong was thereby served with a copy of the entire transcript at issue. (See Doc. Nos. 69, Ex. 1 & 70.) In light of the issues Armstrong raised, the Court will allow him one additional opportunity to respond to Target’s Motion now that he has a transcript of his deposition.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Armstrong may, if he desires, submit an additional memorandum in response to Target's Motion for Summary Judgment. If Armstrong chooses to do so, such response shall be served and filed on or before October 5, 2011; there will be no reply to such memorandum by Target unless so directed by the Court.

Dated: September 23, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge