

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BILL D. VESS

PLAINTIFF

V.

NO. 1:16-CV-80-DMB-RP

MTD CONSUMER GROUP, INC.

DEFENDANT

ORDER

On April 12, 2017, MTD Consumer Group, Inc. filed “Defendant’s Motion for Reconsideration of Unopposed Motion for Extension of Time or, Alternatively, Motion for Leave to File Response Out of Time.” Doc. #51. In the motion, MTD Consumer requests reconsideration of the Court’s denial of its initial motion for an extension to respond to the plaintiff’s motion for an intra-division transfer,¹ representing as grounds that (1) “two of [its counsel’s] children were ill and unable to attend school for several days during the week of March 27th;” (2) “unavoidable obligations in other matters required [its counsel] to be out of town and away from the office on April 4, 5, and 6;” and (3) its counsel’s “colleagues of record in this matter were unable to assist in the preparation of Defendant’s response in opposition due to previous commitments in other matters.” Id. at 2. Alternatively, MTD Consumer requests permission to file out of time the response in opposition to the intra-division transfer motion attached to its reconsideration motion. Id.; Doc. #51-1. MTD Consumer represents that its request for an extension is unopposed. Id.

Rule 6(b) of the Federal Rules of Civil Procedure provides, in pertinent part, that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the

¹ MTD Consumer filed its initial motion for an extension on April 10, 2017, the due date of its response. On April 12, 2017, the Court denied the motion because MTD Consumer failed to offer a reason or justification for the requested extension in accordance with Federal Rule of Civil Procedure 6(b).

time ... after the time has expired if the party failed to act because of excusable neglect.” Upon consideration, MTD Consumer’s request to file an out of time response is **GRANTED**. MTD Consumer has through and until April 21, 2017, to file as a separate docket item the response to the motion for intra-division transfer attached to its motion.

SO ORDERED, this 19th day of April, 2017.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE