

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

U.S. TECHNOLOGY CORPORATION

PLAINTIFF/
COUNTER-DEFENDANT

VS.

CIVIL ACTION NO. 5:08-cv-218(DCB)(JMR)

PAT RAMSAY
and

DEFENDANT

DELTA LOGGING & COMPANY, INC.

DEFENDANT/
COUNTER-CLAIMANT

ORDER

This cause is before the Court on the defendants Pat Ramsay and Delta Logging & Company, Inc.'s Motion to Strike (**docket entry 59**) plaintiff U.S. Technology Corporation's Motion for Partial Summary Judgment. Having carefully considered the motion and response, and being fully advised in the premises the Court finds as follows:

On October 8, 2010, U.S. Technology Corporation filed its Motion for Partial Summary Judgment on Counts I and II of its Complaint. The defendants move to strike the motion on grounds that it was filed beyond the June 25, 2010 deadline.

On June 23, 2010 the trial of this case was re-set for February 14, 2011. Although the motions deadline was not extended, the Court did provide for additional limited discovery. See Text Order of June 23, 2010. On December 7, 2010 the trial was re-scheduled for June 6, 2011. Again, although no order was entered regarding extension of the motions deadline, provision was made for

additional discovery. See Text Order of December 7, 2010. In light of these extensions, the Court finds that the plaintiff's motion is timely filed inasmuch as it promotes judicial economy and does not unnecessarily prejudice the defendants. The Court further finds that the defendants should be granted sufficient time to respond to the plaintiff's Motion for Partial Summary Judgment. Accordingly,

IT IS HEREBY ORDERED that the defendants Pat Ramsay and Delta Logging & Company, Inc.'s Motion to Strike (**docket entry 59**) is DENIED;

FURTHER ORDERED that the defendants' response to the plaintiff's Motion for Partial Summary Judgment shall be due fourteen (14) days from the date of entry of this Order.

SO ORDERED, this the 28th day of January, 2011.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE