

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ASARCO LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CV-00864-JAR
)	
NL INDUSTRIES, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Union Pacific Railroad Company’s Motion for Leave to Exceed Page Limitation. (Doc. No. 217) Union Pacific requests leave to file its response to Plaintiff’s Lone Pine Brief On CERCLA Liability Of Union Pacific Railroad Company (Doc. No. 214) in excess of the Court’s page limitation requirements for briefing. E.D.Mo. L.R. 4.01(D). Asarco opposes the motion on the grounds that the Modified Case Management Order (MCMO) does not permit Union Pacific to file a “response” to the Lone Pine Brief. (Doc. No. 215)

The MCMO provides in pertinent part as follows:

4. Asarco’s Lone Pine response shall be filed with the Clerk no later than **May 14, 2014**. Any motions related to *Asarco’s Lone Pine response* shall be filed no later than **July 16, 2014**. (Emphasis added)

(Doc. No. 147) Asarco argues that if Union Pacific deems any written response essential, it may file the appropriate motion as provided in the MCMO.

The MCMO clearly contemplates a response to Asarco’s Lone Pine showing. A hearing on this matter is scheduled for September 12, 2014. Union Pacific is certainly entitled to set forth its position on its CERCLA liability and need not wait until the hearing to do so, as Asarco

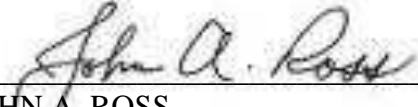
suggests. The Court will, therefore, take Union Pacific's "response" as a "motion related to Asarco's Lone Pine response" and grant Union Pacific's motion for leave. The Court will permit Asarco to file a reply to Union Pacific's response/motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant Union Pacific's Motion for Leave to Exceed Page Limitation [217] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Asarco may file a reply no later than **Friday, July 25, 2014**.

Dated this 15th day of July, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE