

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION


JAMES MATTHEW FREEMAN, )  
)  
Plaintiff, )  
)  
v. ) No. 4:15 CV 1473 CDP  
)  
MH EQUIPMENT COMPANY, )  
)  
Defendant. )

**MEMORANDUM AND ORDER**

**IT IS HEREBY ORDERED** that defendant MH Equipment Company’s Motion to Strike or, in the Alternative, Stay Briefing on Plaintiff’s Motion for Attorney’s Fees and Costs [95] is **DENIED** to the extent it seeks to STRIKE plaintiff James Matthew Freeman’s motion for attorney’s fees and costs. While I agree that Freeman ran the risk of having his motion considered untimely filed under Local Rule 8.02, he fortuitously received a reprieve by virtue of MH Equipment’s timely filing of its renewed motion for judgment as a matter of law under Fed. R. Civ. P. 50(b). *See Miltimore Sales, Inc. v. International Rectifier, Inc.*, 412 F.3d 685, 692 (6th Cir. 2005).

**IT IS FURTHER ORDERED** that MH Equipment’s alternative request to STAY further briefing on Freeman’s motion for attorney’s fees is **DENIED** as moot, given my ruling entered this date on its Rule 50(b) motion.

**IT IS FURTHER ORDERED** that James Matthew Freeman shall have ten (10) days from the date of this Order within which to supplement his pending motion for attorney's fees and costs. MH Equipment shall thereafter have seven (7) days to respond to Freeman's original motion and any supplement.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of November, 2016.