

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ELBERT HARRIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-0667-CV-W-HFS
)	
SUBMITTAL EXCHANGE, LLC, et al.,)	
)	
Defendants.)	

ORDER

Various motions are pending. Plaintiff filed a motion to amend his complaint, correcting the first-named defendant’s name from “Submittal Exchange, Inc., an Iowa Corporation” to “Submittal Exchange, LLC, an Iowa limited liability company.” The motion is sound and will be granted. Next, defendant Crown Electrical Contracting, Inc. filed a motion for extension of time to respond to plaintiff’s complaint, requesting a 30-day extension. Plaintiff opposed the extension as unfair; alternatively, he urged the court to only allow a 14-day extension. Ultimately, Crown filed its answer within 14 days. The motion is reasonable and will be granted retroactively.

In addition, plaintiff filed a motion for default judgment against defendant Submittal Exchange, LLC. In response, Submittal asserted that plaintiff had agreed to a 14-day extension of the answer deadline; plaintiff filed no reply to the contrary. Submittal did file its answer shortly thereafter. Thus, the court finds that a default judgment is not appropriate, so the motion will be denied. Also on file is plaintiff’s “motion to compel crossclaim defendant Submittal Exchange to show cause,” apparently relating to Crown Electrical’s crossclaim. Opposing the motion, Submittal

argues that its response to the crossclaim was due by September 7, 2010 and was in fact filed on September 1, 2010. Plaintiff did not file a reply. The motion is without merit and will be denied.

Accordingly, it is hereby

ORDERED that plaintiff's motion to amend his complaint (ECF doc. 4) is GRANTED. It is further

ORDERED that defendant Crown Electrical Contracting, Inc.'s motion for extension of time (ECF doc.7) is GRANTED with retroactive effect. It is further

ORDERED that plaintiff's motion for default judgment (ECF doc. 10) is DENIED. It is further

ORDERED that plaintiff's "motion to compel crossclaim defendant Submittal Exchange to show cause" (ECF doc. 21) is DENIED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

January 10, 2011

Kansas City, Missouri