

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JOSH WYNIA,

Plaintiff(s),

vs.

SPF ENERGY, INC. & FARSTAD
OIL, INC.,

Defendant(s).

CV 16-173-BLG-SPW-TJC

ORDER

Before the Court is Plaintiff Josh Wynia’s Motion for Extension of Time to File a Response to Defendant’s Motion to Dismiss. (Doc. 7).¹ Specifically, Plaintiff requests five days (presumably from the date of Plaintiff’s Motion) in which to respond to Defendants SPF Energy, Inc.’s and Farstad Oil, Inc.’s (collectively, “Defendants”) Motion to Dismiss. (Doc. 7 at 1; *see* Docs. 2 and 3). Plaintiff’s Motion asserts both (1) that his attorney, Casey Nixon, has had health issues that have prevented him from working, and (2) that an email and phone message were sent to Stephen D. Bell, attorney for Defendants, inquiring as to whether Defendants object to the instant Motion.

¹ Although Plaintiff captions his Motion, “Motion for Extension of Time to File a Response to Defendant’s Motion to Dismiss and to Amend Plaintiff’s Complaint,” the body of the Motion does not discuss any proposed amended complaint, and Plaintiff does not request leave to file an amended complaint. Accordingly, this Order will address only Plaintiff’s request to extend his deadline to respond to Defendants’ Motion to Dismiss. Plaintiff may seek leave to amend in accordance with the Local Rules and the Federal Rules of Civil Procedure.

The Court recognizes that Plaintiff filed his Motion after the deadline to respond to Defendants' Motion to Dismiss. *See* L.R. 7.1(d)(1)(B)(i). However, given Plaintiff's representations as to his attorney's health and his efforts to contact Defendant, coupled with the limited amount of time (two days) that has passed since the aforementioned deadline lapsed, the Court finds good cause underlying Plaintiff's Motion. Going forward, and absent exceptional circumstances, the Court will not consider any motions for extension of time that are filed after the deadline the party is requesting to extend.

Accordingly **IT IS ORDERED** that Plaintiff's Motion for Extension of Time to File a Response to Defendant's Motion to Dismiss (Doc. 7) is **GRANTED**. Plaintiff shall file his response to Defendants' Motion to Dismiss (Doc. 2) on or before **January 10, 2017**.

DATED this 6th day of January, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge