

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

WESTERN BUILDERS SUPPLY,
INC.,

Plaintiff,

vs.

STEVE SKILES, *et al.*,

Defendants.

CV 18-53-BLG-SPW-TJC

ORDER

Before the Court are defendants Andrew Strong's, Paul Wagness's, Steve Rux's, and Richard C. Wilcox's (collectively, "Defendants") Unopposed Motions for Extension of Time (the "Motions"). (Docs. 14, 15, 16, 17.) Each Motion requests "a 21-day extension" until May 4, 2018, to respond to the Complaint. (*See* Doc. 1.) Plaintiff Western Builders Supply, Inc. ("WBS") filed a response to the Motions representing that it has no objection to the relief sought. (Doc. 18.)

Based on WBS's representation, the Court will grant the Motions and extend Defendants' responsive pleading deadline to and including May 4, 2018.

However, the Court notes the following deficiencies in the Motions that

Defendants should take care to correct going forward.

First, Defendants should familiarize themselves with the District of Montana Local Rules of Procedure¹, which provide in pertinent part that *pro se* litigants remain “bound by the federal rules and all applicable local rules.” D. Mont. L.R. 83.8. In this instance, Defendants failed to comply with L.R. 7.1(c)(1), which requires that “[t]he text of [a] motion must state that other parties have been contacted and state whether any party objects to the motion.” Though the Motions contained the word “unopposed” in the captions, as required by L.R. 7.1(c)(2), there is no indication that Defendants contacted WBS or any other defendant before filing their Motions.

Next, none of the Motions indicate how Defendants determined that a “21-day” extension would result in a responsive pleading deadline of May 4, 2018. Given that Defendants were not all served with the Complaint on the same day, it is impossible that their responsive pleading deadlines would have been the same, much less all falling on April 13, 2018. (*See* Docs. 4, 5, 8, 9.) According to the Court’s calendar, in fact, defendants Rux and Wilcox had a responsive pleading deadline of April 12, 2018, meaning they filed their motions for extension of time after their deadlines had already passed. *Pro se* litigants are not relieved of the responsibility of determining applicable filing deadlines as dictated by the Local Rules, the Federal Rules of Civil Procedure, or any other applicable source.

¹ Available on the Court’s website at www.mtd.uscourts.gov/local-rules.

Based on the foregoing, IT IS ORDERED that Defendants' Motions (Docs. 14, 15, 16, 17) are **GRANTED**. Defendants shall answer or otherwise respond to the Complaint on or before May 4, 2018.

DATED this 16th day of April, 2018.



TIMOTHY J. CAVAN
United States Magistrate Judge