

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES L. DEAN,)

Plaintiff,)

v.)

RICHARD T. SMITH, in his official and)

individual capacities, BURDETTE)

SEARCEY, Dep, in his official and)

individual capacities, GERALD LAMKIN,)

Dep, in his official and individual)

capacities, KENT HARLAN, Dep, in his)

official and individual capacities, MARK)

MEINTS, Dep, in his official and individual)

capacities, JERRY O. DEWITT, Sheriff, in)

his official and individual capacities,)

WAYNE R. PRICE, PhD, in his official and)

individual capacities, GAGE COUNTY)

SHERIFF’S OFFICE, a Nebraska political)

subdivision, GAGE COUNTY)

ATTORNEY’S OFFICE, a Nebraska)

political subdivision; and, and COUNTY)

OF GAGE, NEBRASKA, a Nebraska)

political subdivision,)

Defendants.)

4:09CV3144

MEMORANDUM AND ORDER

Defense counsel, Jennifer M. Tomka, notified the undersigned by email sent at 6:04 pm on August 6, 2006, and copied to plaintiff’s counsel, that she was unable to file documents in this case because of problems encountered with the court’s CM/ECF electronic filing system. A one-

day extension was requested for filing the documents in response to the plaintiff's complaint. Copies of the documents were also attached to the email. Information technology confirmed the CM/ECF problem and at 6:41pm advised by email that the problem was fixed. The documents were filed by defense counsel on the morning of August 7. Based on the foregoing facts, I find that the requested extension of time should be granted. Accordingly,

IT IS ORDERED that the defendants are granted an extension of time, until August 7, 2009, to respond to the plaintiff's complaint.

DATED this 7th day of August, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge