

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BNSF RAILWAY COMPANY,	)	4:11CV3076
	)	
Plaintiff,	)	ORDER ON MOTION TO EXTEND
	)	DEADLINE FOR PLAINTIFF TO FILE
v.	)	BRIEF AND EVIDENCE IN OPPOSITION
	)	TO THE DEFENDANT’S MOTION FOR
L.B. FOSTER COMPANY,	)	SUMMARY JUDGMENT AND TO
	)	AMEND THE PLEADINGS
Defendant.	)	
_____	)	

On June 1, 2012, the defendant, L.B. Foster Company, filed a motion for summary judgment, ECF No. 42, and on June 13, 2012, the plaintiff, BNSF Railway Company, (“BNSF”) filed a Motion to Extend Deadline for Plaintiff to File Brief and Evidence in Opposition to the Defendant’s Motion for Summary Judgment and to Amend the Pleadings, ECF No. 50, and a brief in support, ECF No. 51. According to NECivR 7.0.1(b)(1)(B):

**(B) Time for Filing.** A brief opposing a motion to dismiss or for summary judgment must be filed and served within 21 days after the motion and supporting brief are filed and served. A brief opposing any other motion must be filed and served within 14 days after the motion and supporting brief are filed and served.

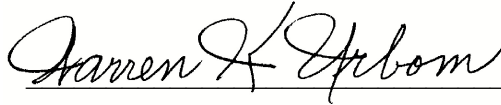
On June 22, 2012, BNSF filed Plaintiff’s Brief in Opposition to Defendant’s Motion for Summary Judgment, ECF No. 54, and Plaintiff’s Index of Evidence in Opposition to Defendant’s Motion for Summary Judgment, ECF No. 55. On June 29, 2012, L.B. Foster Company filed Defendant’s Reply Brief to Plaintiff’s Brief in Opposition to Defendant’s Motion for Summary Judgment, ECF No. 56.

IT THEREFORE IS ORDERED that the Motion to Extend Deadline for Plaintiff to File Brief and Evidence in Opposition to the Defendant’s Motion for Summary Judgment and to Amend the Pleadings, ECF No. 50, is denied as moot as to the request to extend the deadline to file brief and evidence in opposition to the Defendant’s Motion for Summary Judgment. As to the request to amend the pleadings, Magistrate Judge Zwart in her Memorandum and Order, ECF No. 57, said: “The defendant’s motion for leave to file a Third Party Complaint is granted, and the defendant’s

Third Party Complaint, a copy of which is attached to its motion, shall be filed on or before July 9, 2012.”

Dated July 3, 2012.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", is written above a horizontal line.

Warren K. Urbom  
United States Senior District Judge