Kawa v. US Bank, N.A. et al Doc. 54

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS J. KAWA,	)	**CASE NO. 8:08CV91**
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
US BANK, N.A.; DUANE STREMPKE, Individually and in his Official Capacity; BIORN CORPORATION; HS FINANCIAL GROUP, LLC; and UNIFUND CCR PARTNERS,	)	
	)	
Defendants.	)	

This matter is before the Court on the Plaintiff's Motion for Leave to File Out of Time (Filing No. 53) and the accompanying Brief in Opposition to Defendants' Motion to Dismiss (Filing No. 53-2). Although the Plaintiff has offered no excuse for his delay in the filing of the brief, the Court concludes that it is in the interest of justice not to delay the proceedings further by awaiting a response to the Motion for Leave to File Out of Time. Accordingly, the Court will grant the motion, direct Plaintiff to file the brief in a separate filing, and allow Defendants an opportunity to respond to the Plaintiff's brief, if Defendants conclude that it raises any new issue meriting any response.

Accordingly,

IT IS HEREBY ORDERED:

1. Plaintiff's Motion to File Out of Time (Filing No. 53) is granted;
2. Plaintiff immediately will file the Brief in Opposition to Defendants' Motion to Dismiss, without any change, as a separate filing; and
3. Defendants may file any reply to the Plaintiff's brief, on or before February 11, 2009.

DATED this 5th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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