

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ORIENTAL TRADING COMPANY,)
INC., a Delaware Corporation,)
)
Plaintiff,)
)
vs.)
)
AMERICAN SAFETY INDEMNITY)
COMPANY, an Oklahoma)
Corporation,)
)
Defendant.)

CASE NO. 8:08CV327

ORDER

This matter is before the Court on Defendant’s Motion For Leave to File Brief in Support of its Motion for Summary Judgment Out of Time and for an Extension of Time to Respond to Plaintiff’s Second Partial Motion for Summary Judgment (Filing No. 76). Defendant’s Brief in support of its Motion for Summary Judgment (Filing No. 63) was due February 26, 2010, contemporaneous with its motion. Defendant’s response to Plaintiff’s Second Partial Motion for Summary Judgment (Filing No. 59) is due on March 22, 2010. Defendant states it was unable to file its brief in support of its Motion for Summary Judgment due to computer problems in the office of its counsel. Plaintiff’s counsel has indicated that it does not oppose this motion.

In the interest of justice, the Court will grant the Defendant leave to file its brief in support of its Motion for Summary Judgment. The Defendant will immediately file the Brief attached to the present motion as a separate docket entry. The Plaintiff must file its response to Defendant’s Motion for Summary Judgment on or before April 2, 2010. Defendant’s Motion to Extend time to respond to Plaintiff’s Second Partial Motion for

Summary Judgment is denied as moot because its response is not due until March 22, 2010.

IT IS ORDERED:

1. Defendant's Motion For Leave to File Brief in Support of its Motion for Summary Judgment Out of Time and Motion for Extension of Time to Respond to Plaintiff's Second Partial Motion for Summary Judgment (Filing No. 76) is granted in part and denied in part;
2. Defendants shall file as a separate docket entry the Brief attached to the Motion for Leave to File Brief Out of Time;
3. Plaintiffs shall have until April 2, 2010, to respond to the Defendant's Motion for Summary Judgment (Filing No. 63); and
4. Defendant's Motion is otherwise denied as moot.

DATED this 10th day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge