

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

**JOSEPH ANTHONY RANIERI and** )  
**JANET KAYE RANIERI,** )  
) )  
**Plaintiffs,** )  
) )  
**vs.** )  
) )  
**UNITED STATES OF AMERICA and** )  
**THOMAS W. HEJKAL, M.D.,** )  
) )  
**Defendants.** )

**8:09cv448**

**ORDER DENYING  
RECONSIDERATION**

On January 22, 2010, the court granted the motion of Thomas W. Hejkal, M.D. for an extension of time to answer—a fairly routine request. The extension was requested because defense counsel miscalculated the answer date. Dr. Hejkal's answer was originally due January 18, 2010 and was filed on January 25, 2010.

The plaintiffs now complain that they were not given the opportunity to object to Dr. Hejkal's motion for extension of time. Had Dr. Hejkal filed his motion on January 18, rather than on January 22, the Clerk of the Court would have automatically granted him a 30-day extension. *See* NECivR 6.1(a)(1).

While the better practice would have been for Dr. Hejkal to respond to the complaint by January 18, the plaintiffs will not be unfairly prejudiced as the result of the one-week delay.<sup>1</sup>

IT IS ORDERED that plaintiffs' Motion for Reconsideration (#13) is denied.

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECivR 72.2.

DATED January 26, 2010.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge

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<sup>1</sup>I also note that, although the plaintiffs served a summons and a copy of the complaint on the U.S. Attorney's office, they have not yet perfected service upon the United States of America in accordance with all the requirements of Fed. R. Civ. P. 4(i)(1).