

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

V.

JBS USA, LLC,

Defendant.

8:10CV318

ORDER

This matter is before the court on Plaintiff EEOC’s Motion to Strike Defendant’s Notice of Supplemental Authority Relating to Doc. # 50 or, in the Alternative, Motion for Leave to File a Response to Defendant’s Notice of Supplemental Authority Relating to Doc. # 50. ([Filing 79](#).) EEOC’s motion will be granted, in part, and denied, in part.

On May 12, 2011, Defendant filed a Notice of Supplemental Authority Relating to Doc. # 50 ([filing 78](#)), which attached a copy of a district court decision from another circuit. EEOC complains that Defendant did not seek leave of court to file a notice of supplemental authority and did not confer with EEOC’s counsel to see whether it objected to the filing. As such, EEOC requests that the court strike Defendant’s Notice.

Rather than strike the filing, the court will grant EEOC’s alternative request for leave to file *instanter* the response set forth in its present motion.

IT IS ORDERED:

1. To the extent that Plaintiff EEOC’s present motion ([filing 79](#)) seeks to strike Defendant’s notice of supplemental authority relating to Doc. # 50, it is denied;
2. Plaintiff EEOC’s alternative request to file *instanter* the response set forth in its present motion ([filing 79](#)) is granted and the court hereby takes notice of the same.

DATED May 17, 2011.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge