

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERIC COWLEY, and GILLIAN )  
COWLEY, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CABELA'S OUTDOOR )  
ADVENTURES, INC., et al., )  
 )  
Defendants. )

8:11CV325

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On November 8, 2011, summons was returned as executed upon Defendant Fred Roberts ("Roberts"). (Filing No. [6](#).) The Federal Rules of Civil Procedure require that a defendant serve an answer to a complaint "within 21 days after being served with the summons and complaint." [Fed. R. Civ. P. 12\(a\)](#). Roberts failed to file an answer, or any other responsive pleading, within 21 days after being served. (See Docket Sheet.)

The court notes that the parties are currently engaged in alternative dispute resolution. (Filing Nos. [23](#), [24](#) and [25](#).) Counsel appeared for the other two Defendants in this matter shortly after Roberts was served, but before summons was returned executed upon the other Defendants. (See Filing Nos. [6](#), [7](#), [8](#), [16](#) and [17](#).) Thus, there may be some confusion and Roberts' failure to answer may be unintentional. In light of this, the court will permit additional time for Roberts to answer or otherwise plead. In the event that Roberts does not file an answer or otherwise plead, Plaintiffs will be given the opportunity to seek a default judgment.

IT IS THEREFORE ORDERED that:

1. Roberts shall have until July 27, 2012, to file an answer or other responsive pleading. In the event that Roberts does not file an answer or otherwise plead by that date, Plaintiffs will be given the opportunity to seek a default judgment.

2. The Clerk of the court is directed to provide a copy of this Memorandum and Order to Roberts at the address shown on the executed summons form.

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 27, 2012: check for response from Roberts.

DATED this 19<sup>th</sup> day of July, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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