

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

**OCCIDENTAL FIRE & CASUALTY
COMPANY OF NORTH CAROLINA,**

Plaintiff,

vs.

ARTHUR STANLEY ST. LOUIS, INC.,

Defendant.

8:11CV375

ORDER

This matter is before the court on the defendant's Motion for Extension of Time to File a Notice of Appeal ([Filing No. 62](#)). On July 5, 2013, this court entered an order on the parties' cross motions for summary judgment and judgment in favor of the plaintiff. The defendant filed the motion to extend on Monday, August 5, 2013. The defendant states an extension of time is needed due to the "complexity of the several issues in this case."

Pursuant to the Federal Rules of Appellate Procedure a party may "appeal from a judgment by a magistrate judge in a civil case . . . in the same way as an appeal from any other district court judgment." Fed. R. App. P. 3(a)(3). "An appeal permitted by law as of right from a district court to a court of appeals may be taken only by filing a notice of appeal with the district clerk within the time allowed by Rule 4." Fed. R. App. P. 3(a)(1). Rule 4 requires the appealing party to file the notice of appeal "with the district clerk within 30 days after the judgment or order appealed from is entered." Fed. R. App. P. 4(a)(1)(A). The district court may extend the time to file a notice of appeal upon a showing of "excusable neglect or good cause" (Fed. R. App. P. 4(a)(5)(A)(ii)), except that "[n]o extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later." Fed. R. App. P. 4(a)(5)(A), (C). Under these rules, the defendant has timely filed the motion for an extension of time and has shown good cause. Accordingly,

IT IS ORDERED:

1. The defendant's Motion for Extension of Time to File a Notice of Appeal ([Filing No. 62](#)) is granted.

2. The defendant shall have an extension of time until **September 4, 2013**, to file a notice of appeal in this case.

Dated this 7th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge