

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PHILLIP D. WOODWARD,

Plaintiff,

vs.

RICHARD D. FELLIN, in his individual  
capacity;

Defendant.

**8:12CV129**

**ORDER**

This matter is before the court on Plaintiff's motion to strike the defendant's motion for summary judgment and for sanctions, (Filing No. 25), and the defendant's motion to for leave to file his motion for summary judgment out of time, (Filing No. 31). The court has conferred with the parties and has been informed the plaintiff has no objection to the defendant's motion to file his motion for summary judgment out of time.

Accordingly,

IT IS ORDERED,

1) Defendant's motion for leave to file his motion for summary judgment out of time, (Filing No. 31), is granted. Defendant's previously filed motion for summary judgment, (Filing No. 20), shall stand as filed. Plaintiff's response shall be due on or before February 5, 2013.

2) Plaintiff's motion to strike the defendant's motion for summary judgment and for sanctions, (Filing No. 25), is denied as moot.

Dated this 15th day of January, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge