

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JULIE A. BUSSING, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 COR CLEARING, LLC, COR )  
 SECURITIES HOLDINGS, Inc., )  
 CARLOS P. SALAS, in their )  
 Individual Capacities, and )  
 CHRISTOPHER L. FRANKEL, in )  
 their Individual Capacities, )  
 )  
 Defendants. )

8:12CV238

MEMORANDUM AND ORDER ON  
PLAINTIFF’S MOTION FOR  
LEAVE TO SUBMIT ADDITIONAL  
BRIEFING

---

Now before me is Julie A. Bussing’s motion for leave to submit additional briefing in response to the defendants’ motion to dismiss. (ECF No. 55.) Bussing, who filed her original complaint on July 9, 2012, (ECF No. 1), had been proceeding pro se until April 5, 2013, when attorneys J. L. Spray and David M. Gaba entered their appearances as counsel of record on her behalf, (ECF No. 54). The defendants filed a motion to dismiss Bussing’s first amended complaint on August 30, 2012. (ECF No. 26.) Since that date, and while acting pro se, Bussing filed four briefs in opposition to the defendants’ motion to dismiss, (ECF Nos. 28, 32, 38, 42), and a second amended complaint, (ECF Nos. 33-34). Bussing’s briefs and her second amended complaint have been accepted by the court. (E.g., ECF Nos. 41, 47.)<sup>1</sup> Until

---

<sup>1</sup> The parties do not suggest that the filing of the second amended complaint rendered the defendants’ motion to dismiss moot.

recently, the latest brief associated with the defendants' motion to dismiss was filed in October 2012. (See ECF Nos. 46-47.) The motion to dismiss has not yet been resolved, however.

Shortly after entering their appearances on April 5, 2013, Bussing's attorneys moved for leave to file an additional response to the defendants' motion to dismiss. (Mot. for Leave at 1, ECF No. 55.) The defendants object to the plaintiff's motion, arguing that Bussing "has already had ample opportunity to submit briefing on all issues with regard to Defendants' Motion to Dismiss, both through her initial opposition brief and through three supplemental filings." (Defs.' Response Br. at 1, ECF No. 57. See also id. at 2-4.) They add that Bussing "cites no new controlling case law in her request to file additional briefing," nor has she identified any "new issues or arguments that were not already addressed." (Id. at 2. See also id. at 4, 5.) In addition, the defendants submit that additional briefing would be "repetitive," "redundant," and "futile," and would "prejudice Defendants in terms of cost, delay, and lack of finality as to the status of [the] litigation." (Id. See also id. at 4-7.) Finally, the defendants state that if Bussing's motion is granted, the defendants should be given leave to file a reply. (Id. at 7.)

Under the circumstances, it was prudent for Bussing's attorneys to file their motion swiftly. Moreover, because they have only recently entered their appearances, I do not think it would be reasonable to require them to identify the substantive arguments and relevant authority that might be included in their response. It remains to be determined whether additional briefing will ultimately prove to be repetitive, redundant, or futile. If so, I am not convinced that the defendants will be significantly harmed by an additional delay. If not, the interests of justice will have been well-served by the delay.

Bussing shall have 45 days from the date of this order within which to file a brief in response to the defendants' motion to dismiss. The defendants may file a reply brief within seven days of the filing of Bussing's brief. Any motion to amend the complaint must also be filed within 45 days of the date of this order, and the defendants may respond to any such motion in accordance with the applicable rules.

Bussing is hereby advised that the defendants' motion to dismiss will be deemed submitted, and I shall proceed to resolve it on the current record, if she fails to act prior to the deadline specified above.

**IT IS ORDERED** that the plaintiff's motion for leave to submit additional briefing, (ECF No. 55), is granted.

Dated April 22, 2013.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", is written above a horizontal line.

Warren K. Urbom  
United States Senior District Judge