

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

**ELENA SAMMONS and
MICHAEL SAMMONS,**

Plaintiffs,

vs.

**COR CLEARING, LLC,
CEDE & CO., and
THE DEPOSITORY TRUST COMPANY,**

Defendants.

8:14CV136

ORDER

This matter is before the court on both of the plaintiff Michael Sammons' motions seeking review of text orders entered by the Clerk of Court granting the defendants' extensions of time to file answers or otherwise respond to the complaint. **See** Filing Nos. 11 and 16. In the motions, Mr. Sammons argues he is prejudiced by the delay caused by the extensions, which were filed without the defendants' counsel contacting him in advance and granted without a showing of good cause as required by Federal Rules of Civil Procedure 6(b).

The defendants each sought a thirty-day extension of time pursuant to the Civil Rule of the United States District Court for the District of Nebraska (Nebraska Civil Rule) 6.1(a). The Clerk of court granted each motion, giving the defendants additional time until June 20, 2014, and June 26, 2014, respectively to file answers or otherwise respond to Complaint. **See** Filing Nos. 9, 10, 14, and 15. Prior to the defendants seeking additional time to answer, the plaintiffs filed motions for partial summary judgment. **See** Filing Nos. 6 and 8. In response to these motions, the defendants sought a stay of the case or extension of time to respond. **See** Filing No. 18. The plaintiffs opposed a stay or extension. **See** Filing No. 20. Nevertheless, on May 23, 2014, the court found legal justification existed for a brief stay of the summary judgment response deadlines. **See** Filing No. 22. Similarly, based on this justification, the court determined the defendants should have an extension of time, but shortened the time to file answers or motions to dismiss to June 9, 2014. *Id.*

The court's May 23, 2014, order renders Michael Sammons' motion moot. Although the defendants were under no obligation to confer with the plaintiffs prior to seeking an extension of the answer deadline, the court did find good cause exists to grant the defendants some additional time to respond to the Complaint. The court's May 23, 2014, order superseded the text orders entered by the Clerk of Court and shortened the time period. Accordingly,

IT IS ORDERED:

Michael Sammons' motions seeking review of the Clerk of Court's text orders (Filing Nos. 11 and 16) are denied, as moot.

Dated this 6th day of June, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge