

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CONTINENTAL WESTERN GROUP, LLC, a  
Delaware limited liability company;

Plaintiff,

vs.

LIBERTY MUTUAL GROUP INC., a  
Massachusetts corporation; and ST. PAUL  
GROCERY, LLC, a Nebraska limited liability  
company;

Defendants.

**8:17CV148**

**ORDER**

Plaintiff filed a motion requesting that it be given an extension of time to respond to Defendant St. Paul Grocery, LLC's ("Defendant") motion to dismiss. ([Filing No. 15.](#)) This motion will be denied as moot.

On May 18, 2017, Defendant filed a "Motion to Dismiss for Want of Jurisdiction and Answer." ([Filing No. 13.](#)) Defendant's motion to dismiss was combined with Defendant's answer to the Complaint, rather than filed as a separate document. Because the motion to dismiss and answer were filed as one document, the Court's docket sheet does not show that a motion to dismiss is pending.

The Local Rules of this Court provide that "[a] motion raising a substantial issue of law must be supported by a brief filed and served together with the motion. The brief must be separate from, and not attached to or incorporated in, the motion or index of evidence." NECivR 7.1. A party who does not follow this rule "may be considered to have abandoned in whole or in part that party's position on the pending motion." *Id.* Defendant did not submit a brief in support of its motion to dismiss based on lack of jurisdiction as required by NECivR 7.1. Because there is no motion to dismiss properly pending before the Court, Plaintiff's extension request is unnecessary.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for Enlargement of Time ([Filing No. 15](#)) is denied as moot.

Dated this 5th day of June, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge