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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ALLEN FRED ALTERGOTT,

Plaintiff,

v.

SENNA, et. al.,

Defendants.

Case No. 3:15-cv-00159-RCJ-WGC

**ORDER**

Re: ECF No. 60

Before the court is Plaintiff's Motion to Strike Defendants' Supplemental Response in Support of Defendants' Motion for Summary Judgment as Untimely Pursuant to Rule 5. (Electronic Case Filing (ECF) No. 60.)

On August 18, 2016, the court held a hearing regarding what the court construed as Plaintiff's request for additional discovery pursuant to Federal Rule of Civil Procedure 56(d). (*See* Minutes at ECF No. 52.) The court ordered Defendants to submit the requested documentation by Tuesday August 23, 2016; gave Plaintiff up to September 2, 2016, to file a supplemental memorandum; and, gave Defendants' until September 12, 2016 to file a response. (*Id.* at 2.)

On August 24, 2016, Defendants filed a notice of compliance with the court's order indicating they had provided the documentation to Plaintiff. Plaintiff filed his supplemental memorandum on September 6, 2016. (ECF No. 54.) Defendants filed their response on September 13, 2016. (ECF No. 57.)

The same day that the court issued its report and recommendation on Defendants' motion for summary judgment (ECF No. 63), September 28, 2016, Plaintiff filed this motion to strike Defendants' supplemental response.

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