

R E C E I V E D

NOT FOR PUBLICATIONUNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOV 08 2017

AT 8:30 _____ M
WILLIAM T. WALSH
CLERKJOSEPH J. BOLDMAN and LAURA A.
BOLDMAN,

Plaintiffs,

v.

WAL-MART STORES, INC., WAL-MART
STORES, EAST, LP, and WAL-MART
STORES, EAST, INC.,

Defendants.

Civ. No. 16-0004

**MEMORANDUM
OPINION AND ORDER**THOMPSON, U.S.D.J.

This matter has come before the Court upon the Motion for Leave to File a Late Opposition to Defendants' Motion for Summary Judgment by Plaintiffs (ECF No. 77).

IT APPEARING THAT Magistrate Judge Douglas E. Arpert set an alternative briefing timeline for Defendants' Motion for Summary Judgment on September 20, 2017 (ECF No. 69), requiring Plaintiffs to file opposition by October 30, 2017; and it further

APPEARING THAT Plaintiffs made a minor, inadvertent clerical error as to the appropriate due date for their opposition brief (Mastrondrea Decl., Ex. A ¶¶ 14–16, ECF No. 77-2); and if further

APPEARING THAT this error falls within Rule 6 of the Federal Rule of Civil Procedure justifying an extension of time for good faith excusable neglect, *see* Fed. R. Civ. P. 6(b)(1)(B), because this error and a subsequent extension for Plaintiffs will not cause Defendants any prejudice or harm; the length of delay is minimal—Plaintiffs' counsel filed a letter (ECF No. 75) and this Motion addressing the mistake just days after the missed deadline; this mistake does not

reflect complete incompetence, lack of diligence, or ignorance of the Federal and Local Rules; and there is no indication that Plaintiffs acted in bad faith, *see T.B. v. Mt. Laurel Bd. of Educ.*, 2011 WL 2473327, at *3 (D.N.J. June 20, 2011) (citing *Consol. Freightways Corp. v. Lawson*, 837 F.2d 916, 919 (3d Cir. 1987)) (listing factors the Third Circuit considers to assess excusable neglect under Rule 6); *see also Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 388 (1993);

IT IS on this ^{9th}~~8~~ day of November, 2017,

ORDERED that Plaintiffs' Motion for Leave to File a Late Opposition is GRANTED; and it is further

ORDERED that Plaintiffs must submit opposition to Defendants' Motion for Summary Judgment by November 13, 2017.


ANNE E. THOMPSON, U.S.D.