

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:15-CV-282-FL

THOMPSON AUTOMOTIVE LABS, INC.,)
)
Plaintiff/Counter-Defendant,)
)
v.)
)
ILLINOIS TOOL WORKS INC.,)
)
Defendant/Counter-Plaintiff.)

ORDER

This case comes before the court on the motion (D.E. 123) filed by defendant/counter-plaintiff Illinois Tool Works Inc. (“defendant”) to strike as untimely the response (D.E. 121) filed by plaintiff/counter-defendant Thompson Automotive Labs, Inc. (“plaintiff”) in opposition to defendant’s expedited motion (D.E. 115) for leave to take additional depositions. The response in question was filed approximately nine hours after it was due. *See* 14 Nov. 2017 Text Order; 18 Nov. 2017 Notice of Elec. Filing. Plaintiff opposes the motion to strike (D.E. 131) and has filed separately a motion (D.E. 132) for leave to file the disputed response (D.E. 121) out of time. There being no prejudice to any party by the court’s consideration of the untimely filing and excusable neglect by plaintiff having been shown, defendant’s motion to strike is DENIED. Plaintiff’s motion for leave to file the response out of time is DENIED as moot.

SO ORDERED, this 28 day of November 2017.



James E. Gates
United States Magistrate Judge