

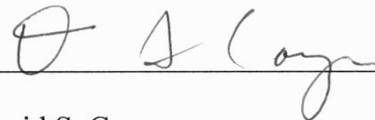
briefs, the Court concludes that its failure to respond to to the Amended Third Party Complaint in a timely manner was the result of excusable neglect. Moreover, the Third Party Defendant has shown good cause for being allowed to file its answer.

NOW, THEREFORE IT IS HEREBY ORDERED that:

1. Third Party Plaintiff's "Motion for Entry of Default as to Third Party Defendant Metro Plastics, Inc." (document #28) is **DENIED**.
2. "[Third Party] Defendant Metro Plastics, Inc.'s Motion to Extend Time to Respond to Amended Third-Party Complaint" (document #32) and "Motion for Leave to File Answer Out of Time" (document #40) are **GRANTED**.
3. Third Party Defendant Metro Plastics, Inc. shall file its answer within five (5) days of the entry of this Order.
4. The Clerk of Court is directed to send copies of this Order to the parties counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: January 8, 2013



David S. Cayer
United States Magistrate Judge

