

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

MBI Energy Services, Inc.,)	
)	
Plaintiffs,)	ORDER
)	
vs.)	
)	
Robert Hoch,)	
)	Case No. 1-16-cv-329
Defendant.)	

Before the court are two motions related to the reply brief Defendant Robert Hoch submitted in support of his motion for summary judgment. (Doc. No. 30). On May 12, 2017, Hoch filed a reply brief that, by Hoch’s own admission, was untimely and in excess of the page limit dictated by this court’s local rules. (Doc. No. 39). On these failings, MBI Energy Services, Inc. filed a motion to strike the reply brief. (Doc. No. 42). In a different motion, Hoch seeks the court’s leave to file a reply brief that is in accordance with the page limit dictated by the local rules. (Doc. No. 44).

After consideration, the court **DENIES** MBI’s Motion to Strike, (Doc. No. 42), because MBI suffered no prejudice from Hoch’s one day tardiness in filing his reply brief and the court likely would have granted Hoch leave to file a brief in excess of the page limits had he asked. The court also **DENIES** Hoch’s Motion for Leave to File Reply Brief. (Doc. No. 44). The court will simply consider Hoch’s reply brief, (Doc. No. 39), as is. Having done so, however, the court reminds Hoch to be more vigilant of the local rules in his filings with the court.

IT IS SO ORDERED.

Dated this 16th day of June, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court