

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

Diana Nadeau, individually and on )  
behalf of the next-of-kin of John Nadeau, )

Plaintiff, )

vs. )

David Shipman, in his individual and official )  
capacities as Morton County Sheriff, Deborah )  
Addy, in her individual capacity, Boyd Addy )  
in his individual capacity, Tina George, in her )  
individual capacity, John Does 1-2, in their )  
individual capacities as Morton County )  
correctional officers, John Does 3-4, in their )  
individual capacities as Morton County )  
Correctional Center medical staff: and Morton )  
County, )

Defendants. )

**ORDER**

Case No. 1:17-cv-074

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On July 17, 2017, plaintiff filed a “Motion to Strike Certain Affirmative Defenses of Defendants David Shipman and Morton County.” On September 31, 2017, the court held a scheduling conference with the parties by telephone. Pursuant to its discussions with the parties during the conference, the court issued an order in which it: (1) advised it was construing plaintiff’s motion to strike as a Motion for Partial Summary Judgment; and (2) established deadlines of September 1 and 21, 2017, for the parties to file their respective response and reply.

On September 1, 2017, defendants David Shipman and Morton County filed a “Rule 56(d) Motion for Time to Conduct Additional Discovery on Defenses.” Additionally, they filed a combined memorandum in response to plaintiff’s motion to strike and in support of their motion for additional time. Therein, they asserted that they require time to conduct additional discovery in

order to fully respond to plaintiff's motion.

Plaintiff filed a reply in support of her motion to strike on September 20, 2017. Therein they aver that defendants request for additional time is misplaced as no amount of discovery is going to assist defendants.

Given the present posture of this case, an extension as proposed poses no appreciable prejudice to plaintiff. Accordingly, defendants' motion (Doc. No. 24) is **GRANTED**. Defendants David Shipman and Morton County shall have until January 5, 2018, to supplement their response to plaintiff's motion. Plaintiff shall have until January 26, 2018, to supplement their reply.

**IT IS SO ORDERED.**

Dated this 13th day of November, 2017.

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