

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TRANSCONTINENTAL	:	CIVIL ACTION NO. 1:13-CV-2163
REFRIGERATED LINES, by	:	
LAWRENCE V. YOUNG, ESQ.,	:	(Chief Judge Conner)
Liquidating Agent,	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	
NEW PRIME, INC., et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 18th day of October, 2016, upon consideration of the motion (Doc. 232) for summary judgment filed yesterday by *pro se* defendant Stephen Hrobuchak (“Hrobuchak”), and the court noting that the dispositive motion deadline expired more than eighteen months ago on April 1, 2015, (Doc. 130), and the court observing that a party seeking to file a *nunc pro tunc* motion for summary judgment “must make a formal motion for extension of time” and therein demonstrate “excusable neglect” justifying the late filing, Drippe v. Tobelinski, 604 F.3d 778, 784-85 (3d Cir. 2010), and further observing that relevant factors to be considered in measuring excusable neglect include “the danger of prejudice . . . , the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith,” *id.* (quoting Pioneer Inv. Servs. Co. v. Brunswick Assocs., 507 U.S. 380, 395 (1993)), and it appearing that Hrobuchak has

made no such motion or showing, it is hereby ORDERED that Hrobuchak's motion (Doc. 232) for summary judgment is DENIED as untimely.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania