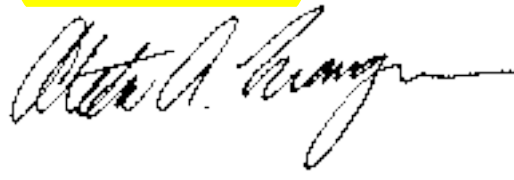


Motion GRANTED.



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GARY T. WINNETT, et al,	)	
	)	
Plaintiffs,	)	Case No. 3:06-CV-00235
	)	
v.	)	Hon. Aleta A. Trauger
	)	
CATERPILLAR INC.,	)	Mag. Judge Joe B. Brown
	)	
Defendant.	)	CLASS ACTION

**MOTION FOR LEAVE TO FILE *INSTANTER***  
**CATERPILLAR'S REPLY TO PLAINTIFFS' OPPOSITION TO MOTION FOR**  
**RECONSIDERATION OF COURT'S SUMMARY JUDGMENT RULING**

Defendant Caterpillar Inc., pursuant to Local Rule 8(b)(3), requests leave to file *instanter* the attached Reply Memorandum in Support of its Motion for Reconsideration. Caterpillar seeks leave to file this Reply Memorandum in response to the arguments raised by Plaintiffs in their Opposition to Caterpillar's Motion for Reconsideration, which was filed on December 13, 2010.

WHEREFORE, Caterpillar requests leave to file *instanter* the attached Reply Memorandum in Support of its Motion for Reconsideration.