

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SHONEY'S NORTH AMERICA LLC	)	
	)	
v.	)	NO. 3-12-0574
	)	JUDGE CAMPBELL
VIDRINE RESTURANTS, INC.,	)	
et al.	)	

ORDER

Pending before the Court are Defendants' Motion for Summary Judgment (Docket No. 33) and Defendants' Motion to Stay (Docket No. 38). Defendants have filed an Objection to Plaintiff's Late-Filed Reply (sic) (Docket No. 44), in which Defendants argue that Plaintiff's Response to Defendants' Motion to Stay was untimely filed.

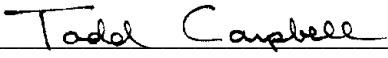
Defendants' Motion to Stay was filed on December 14, 2012. Local Rule 7.01(b) provides that a party opposing a motion shall serve and file a response not later than fourteen (14) days after service of the motion. Fed. R. Civ. P. 6(d) provides that three days are added after the period would otherwise expire when service is made under Rule 5(b)(2)(E), which is electronic service, which was used in this case. When counting, the Court and the parties must count every day, including intermediate Saturdays, Sundays, and legal holidays. Fed. R. Civ. P. 6(a)(1)(B). Therefore, Plaintiff had until December 31, 2012, to file its Response in opposition to the Motion to Stay.

Defendants' Objection (Docket No. 44) is overruled.

Defendants shall have fourteen (14) days to file Replies to these Motions, plus the three days provided in Federal Rule 6(d). Therefore, Defendants shall file a Reply to Plaintiff's Response to

Defendants' Motion to Stay (Docket No. 43) by January 17, 2013. In addition, Defendants shall file a Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment by January 16, 2012.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE