

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HUNTER FAN COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 06-2108-JPM-tmp
)	
MINKA LIGHTING, INC.,)	
)	
Defendant.)	

**ORDER DENYING AS MOOT DEFENDANT’S MOTION FOR LEAVE TO FILE
OBJECTIONS TO THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is Defendant Minka Lighting, Inc.’s Motion for Leave to File Objections to the Magistrate Judge’s Report and Recommendation (Docket Entry 118), filed July 26, 2010. For the following reasons, Defendant’s motion is DENIED AS MOOT.

Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2), a party has fourteen (14) days after being served with a copy of the Magistrate Judge’s Report and Recommendation to file written objections. This fourteen-day time period, however, is computed in accordance with Federal Rule of Civil Procedure 6. See Fed. R. Civ. P. 6(a) (“The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.”).

Federal Rule of Civil Procedure 6(d) provides that "[w]hen a party may or must act within a specified time after service and service is made under [Federal Rule of Civil Procedure] Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under [Federal Rule of Civil Procedure] 6(a)." Service of the Magistrate Judge's Report and Recommendation was made upon the parties through the Court's Electronic Case Filing ("ECF") system; therefore, the parties were served pursuant to Federal Rule of Civil Procedure 5(b)(2)(E). See Fed. R. Civ. P. 5(b)(2)(E) ("A paper is served under [Federal Rule of Civil Procedure 6] by . . . sending it by electronic means"). Thus, Rule 6(d) effectively extended the time period for Defendant to file objections to the Magistrate Judge's Report and Recommendation from fourteen (14) days to seventeen (17) days.

The Magistrate Judge's Report and Recommendation was entered on July 7, 2010. Seventeen days from July 7, 2010, computed pursuant to Rule 6(a)(1), is Saturday July 24, 2010. Thus, in light of Rule 6(a)(1)(C), the last day for Defendant to file objections to the Magistrate Judge's Report and Recommendation was the following Monday July 26, 2010. Defendant filed its Objections to the Magistrate Judge's Report and Recommendation on July 22, 2010. Defendant's Objections were therefore timely filed, and Defendant's Motion for Leave to

File Objections to the Magistrate Judge's Report and
Recommendation is DENIED AS MOOT.

IT IS SO ORDERED, this 27th day of July, 2010.

/s/ JON PHIPPS McCALLA
CHIEF UNITED STATES DISTRICT JUDGE