
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JOHN SEASTRAND, an individual,

Plaintiff,

v.

U.S. BANK, N.A., a nationally chartered bank; RALPH PACE, an individual acting in his official capacity as an officer and employee of U.S. BANK, N.A.; JACKLYN W. MILLER, GARY S. MILLER, JAY M. MINNICK, individuals; MILLER DEVELOPMENT COMPANY, INC., a Utah corporation; MILLER MINNICK ASSOCIATES I, LLC and MILLWOOD COMPANIES, LC, Utah limited liability companies; and JOHN DOES 1-10

Defendants.

MEMORANDUM DECISION AND
ORDER STRIKING PLAINTIFF'S
MEMORANDUM IN OPPOSITION TO
SUMMARY JUDGEMENT

Case No. 2:17-CV-214 TS

District Judge Ted Stewart

This matter is before the Court on Plaintiff's Memorandum in Opposition to Miller Defendants' Motion for Summary Judgement. Defendants filed their Motion for Summary Judgement on October 16, 2018. Under DUCivR 7-1(3), Plaintiff's memorandum in opposition was due within 28 days after receiving service. However, Plaintiff requested and was granted an extension by the Court to file his opposition by 4:30 p.m. on November 20, 2018. Plaintiff failed to file by that deadline. On November 27, 2018, Plaintiff filed his Memorandum. Although the Memorandum is one week late, Plaintiff has not sought, nor has the Court granted, leave to file out of time. Under Federal Rule of Civil Procedure 6(b)(1)(B), the Court may extend a filing deadline upon a showing of "good cause" and "excusable neglect." Plaintiff has presented the

Court with neither. Therefore, the Court will strike the Memorandum in Opposition and all attached exhibits.

It is therefore

ORDERED that Plaintiff's Memorandum in Opposition to Summary Judgment (Docket No. 89) is STRICKEN.

DATED this 29th day of November 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

Ted Stewart
United States District Judge