

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAVID JOHNSON

PLAINTIFF

v.

5:07CV00157-WRW

**POR T CITY JANITORS' SUPPLY &
PAPER COMPANY**

DEFENDANT

ORDER

Pending is Defendants' Motion for Summary Judgment (Doc. No. 9). Defendant filed its Motion for Summary Judgment on June 18, 2008. On June 30, 2008, Plaintiff filed an unopposed Motion for Extension of Time to File a Response/Reply to Defendant's Motion, in which Plaintiff asked for additional time -- until July 7, 2008 -- to submit its Response.¹ In an Order entered on July 1, 2008, the Court granted Plaintiff's Motion.²

On July 8, 2008, Plaintiff filed a second Motion for Extension of Time to File a Response, in which Plaintiff asked for until July 9, 2008, to submit its Response.³ Plaintiff's Motion reads, in part

The plaintiff's pleadings are complete, however, counsel failed to prepare the necessary affidavit for review and execution by the plaintiff in relation thereto, and plaintiff therefore requests until Wednesday, July 9, 2008, within which to file his response and exhibits to the motion for summary judgment.

Plaintiff's Motion did not, as required by Local Rule 6.2(b), state that it had conferred with opposing counsel. In an Order entered July 8, 2008, the Court granted Plaintiff's second Motion for an Extension.⁴

¹Doc. No. 12.

²Doc. No. 13.

³Doc. No. 14.

⁴Doc. No. 15.

On July 9, 2008, Plaintiff filed a third Motion for an Extension, again citing the need for extra time in connection with preparing plaintiff's affidavit, and asked the Court to extend the response deadline until July 11, 2008.⁵ Defendant objected to Plaintiff's third Motion, pointing out that Plaintiff's sworn deposition is attached to its Motion for Summary Judgment, and, thus, any affidavit that Plaintiff may file that contradicts his own sworn testimony would not be allowed.⁶ Defendant also points out that Plaintiff has, through extensions, doubled the time allowed for response, and that the case is set for trial in late August.⁷ The Court, over Defendant's objections, in an Order entered July 10, 2008, granted Plaintiff's third Motion for Extension, directing Plaintiff to file its Response by 2:00 p.m., Friday, July 11, 2008.

Plaintiff has not filed a Response.

Defendant's Motion for Summary Judgment appears to be well taken on the merits.

Defendant's Motion for Summary Judgment (Doc. No. 9) is GRANTED.

IT IS SO ORDERED this 14th day of July, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁵Doc. No. 16. Plaintiff did not state in its Motion that it had conferred with opposing counsel, as required in Local Rule 6.2(b).

⁶Doc. No. 17.

⁷*Id.*