

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

VERNON SPEAK,

Plaintiff,

v.

Case No.: 2:18-cv-00826-JLB-NPM

STEVE WHIDDEN, in this official capacity
as Sheriff of Hendry County, Florida, and
STEVE WHIDDEN, in his individual
capacity,

Defendants.

ORDER

Plaintiff Vernon Speak has simultaneously filed a response in opposition to summary judgment in excess of twenty pages and a motion for leave to do so. (Docs. 77–79.) The parties have also moved to jointly extend all pretrial deadlines by sixty days, (Doc. 68), and for clarification regarding this Court’s prior orders on the timeline for summary judgment briefing, (Doc. 79).

The Court strikes Mr. Speak’s response in opposition to summary judgment and grants his motion for leave only in part. *See* Local Rule 3.01(d) (explaining that a motion for leave to file excess pages “shall not include, as an attachment or otherwise, the proposed motion, response, reply, or other paper”). Rule 3.01(d) permits a twenty-page response to motions without requiring leave of the Court. After carefully considering Mr. Speak’s request of an additional thirty-one pages for his response, the Court will grant him an additional fifteen pages (for a **total** of thirty-five pages). The revised response in opposition to summary judgment shall

be due **no later than fourteen days from the date of this order**. If Defendants wish to move for leave to file a reply in support of summary judgment, they may do so **no later than seven days from the date Mr. Speak files his revised response**.

The parties' joint motion to continue trial and reschedule related pretrial deadlines, (Doc. 68), is granted, and the Court will issue an amended case management order reflecting the revised deadlines. Accordingly, it is **ORDERED**:

1. Mr. Speak's response in opposition to summary judgment, (Doc. 78), is **STRICKEN** for noncompliance with Local Rule 3.01(d).

2. Mr. Speak's motion to file excess pages, (Doc. 77), is **GRANTED IN PART** and the parties' joint motion to clarify the timetable for summary judgment briefing, (Doc. 79,) is **GRANTED**. **No later than fourteen days from the date of this order**, Mr. Speak shall file a revised response in opposition to summary judgment **not to exceed thirty-five pages**. If Defendants wish to move for leave to file a reply in support of summary judgment, they may do so **no later than seven days from the date Mr. Speak files his revised response**.

3. The parties' joint motion to continue trial and reschedule related pretrial deadlines, (Doc. 68), is **GRANTED**, and the Court will issue an amended case management order reflecting the revised deadlines.

ORDERED in Fort Myers, Florida, on September 22, 2020

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

**JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE**