

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

|                                   |   |                               |
|-----------------------------------|---|-------------------------------|
| CHRISTOPHER W. ELBRECHT           | ) |                               |
|                                   | ) |                               |
| Plaintiff,                        | ) |                               |
|                                   | ) |                               |
| vs.                               | ) | Civil Action No. 1:08-cv-0021 |
|                                   | ) |                               |
| CARAMBOLA PARTNERS, LLC,          | ) |                               |
| JS CARAMBOLA, LLP, JAMES M. PULS, | ) |                               |
| JOHN PULS and LARRY VAUGHN        | ) |                               |
|                                   | ) |                               |
| Defendants.                       | ) |                               |

AMBROSE, District Judge

ORDER OF COURT

Defendant Larry Vaughn's ("Vaughn") Motion to Strike Plaintiff's Second and Third Response to His April 25, 2011 Motion for Summary Judgment and Motion for Extension of Time to Reply to the Same (see ECF Docket No. [132]) is GRANTED.

As Vaughn details in his Motion, he filed a Motion for Summary Judgment on April 25, 2011. See ECF Docket No. [32]. Upon receipt of the transfer of this case, this Court reviewed the docket and found Plaintiff Christopher Elbrecht's Motion for Extension of Time to Respond to the Motion for Summary Judgment, which was predicated upon Federal Rule of Civil Procedure

56(f), and which had been filed in advance of the Opposition. See ECF Docket No. [109].

Following the denial of that Motion, this Court – as Vaughn surmised – simply set forth a date by which Elbrecht needed to respond to the pending Motion for Summary Judgment, not realizing that a Response had been filed. Elbrecht, in fact, filed an Opposition thereto on May 16, 2011.

See ECF Docket No. [113].

Consequently, I agree with Vaughn that Elbrecht's filings on September 16, 2011 (see ECF Docket Nos. [129, 130] are redundant and unnecessary and should be stricken from the record. With respect to Elbrecht's filing dated September 22, 2011 (see ECF Docket No. [131]), he neither sought permission to supplement the record nor obtained such permission. Accordingly, the Motion to strike is granted in this regard as well.

AND NOW, this 29th day of September, 2011, Docket Nos. 129, 130 and 131 are hereby STRICKEN from the record.

By the Court:  
/s/ Donetta W. Ambrose  
Donetta W. Ambrose  
Senior U.S. District Judge