

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JOY PERRY, doing business as
FREEDOM THROUGH CHRIST PRISON
MINISTRY and PRISON PEN PALS, and
WRITEAPRISONER.COM, INC., a Florida
corporation,

Plaintiffs,

vs.

Case No. 3:09-cv-403-J-34JRK

BARRY REDDISH, in his official capacity
as Warden at Union Correctional
Institution, et al.,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Defendants' Unopposed Motion for Leave to File Amended Motion for Summary Judgment (Doc. No. 65; Motion), filed on July 16, 2010. On July 7, 2010, the Court entered an Order striking Plaintiffs' previously filed motion for summary judgment in this case and Defendants' response thereto. See Order (Doc. No. 64) at 3. The Court directed Plaintiffs to file an amended motion for summary judgment on or before July 26, 2010, and Defendants to respond within fourteen days. See id. The Court

also granted Plaintiffs leave to exceed the page limitations of the local rules with respect to their amended motion for summary judgment. See id. at 3 n.4. As anticipated by the Court in its prior Order, see id. at 3 n.2, in the instant Motion, Defendants request simultaneous leave to amend their previously filed motion for summary judgment (Doc. No. 43; Defendants' Motion for Summary Judgment), and to exceed the page limitations of the local rules when doing so. See Motion at 2. Defendants represent that opposing counsel does not oppose the requested relief. See id. at 2. Upon review, and for the reasons stated in this Court's July 7, 2010 Order, the Court determines that the requested relief is warranted. Thus, the Court will grant Defendants' Motion.¹

In light of the foregoing, it is **ORDERED**:

1. Defendants' Unopposed Motion for Leave to File Amended Motion for Summary Judgment (Doc. No. 65) is **GRANTED**.
2. Defendants' Motion for Summary Judgment (Doc. No. 43) is **STRICKEN**.
3. Plaintiffs' Response to Defendants' Motion for Summary Judgment (Doc. No. 57) is **STRICKEN**.
4. On or before **July 26, 2010**, Defendants shall file an amended motion for summary judgment, not to exceed thirty-five pages.
5. Plaintiffs shall respond to Defendants' amended motion for summary judgment within **fourteen days**.

¹ Accordingly, the Court will deny as moot Plaintiffs' Motion to Strike Portions of Upchurch and Taylor's Affidavits Improperly Submitted as Exhibits in Support of Defendants' Motion for Summary Judgment (Doc. No. 56).

6. Plaintiffs' Motion to Strike Portions of Upchurch and Taylor's Affidavits Improperly Submitted as Exhibits in Support of Defendants' Motion for Summary Judgment (Doc. No. 56) is **DENIED as moot**.

DONE AND ORDERED in Jacksonville, Florida, this 21st day of July, 2010.


MARCIA MORALES HOWARD
United States District Judge

lc9

Copies to:

Counsel of Record