

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Lindsay Kahle v. Lilo Enterprises Incorporated

No. CV-24-08131-PCT-DWL (D. Ariz. Jan. 28, 2026) · No. CV-24-08131-PCT-DWL · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Arizona denies the Lilo parties’ motion for reconsideration of an order permitting Lindsay Kahle to file an amended and slightly oversized response to a motion for summary judgment. The Court finds that counsel’s illness, prompt corrective efforts, lack of prejudice, and the complexity of the case justified allowing the amendment and expanding the page limit.

CASE DETAILS

|                       |                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Arizona                                                                                                                                                                    |
| WRITING FOR THE COURT | Dominic W. Lanza                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the District of Arizona                                                                                                                                                                    |
| DECIDED               | January 28, 2026                                                                                                                                                                                                            |
| DOCKET                | CV-24-08131-PCT-DWL                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | The court considered the Lilo parties' motion for reconsideration of an order granting Kahle leave to amend an untimely, noncompliant response to a motion for summary judgment and granting a modest page-limit extension. |
| STANDARD OF REVIEW    | The court applied the discretionary standard governing reconsideration and exercised its latitude in managing motion practice, including whether to permit amendment of a response brief and expand a page limitation.      |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                     |

TOPICS

- motion for reconsideration
- motion to amend
- summary judgment
- civil procedure
- commercial litigation

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether reconsideration was warranted because the court granted Kahle leave to amend before receiving a response from the Lilo parties.
2. Whether the parties' alleged failure to complete an adequate meet-and-confer process justified reconsideration.
3. Whether the absence of an express federal or local rule authorizing amended response briefs required denial of leave to amend.
4. Whether Kahle established sufficient grounds for a three-page expansion of the applicable page limitation.
5. Whether the amended response should have been limited to facts, arguments, and evidence presented in the original response.

## HOLDINGS

1. A district court may, in its discretion and as a matter of case management, permit a party to amend a response brief even when no federal or local rule expressly contemplates amended briefs.
2. Leave to amend was warranted where counsel promptly sought to correct an untimely and noncompliant response after working while ill, and the amendment caused no prejudice.
3. The court acted within its discretion in granting Kahle a modest three-page expansion of the page limitation and granting the Lilo parties a commensurate expansion for their reply.
4. Reconsideration was not warranted because the Lilo parties had an opportunity to stipulate, their motion fully presented their objections, and any prior lack of briefing was cured by the reconsideration motion.

## KEY QUOTATIONS

*“This is something judges routinely do as a matter of discretion and case management, often without discussion, with or without the opposing parties’ consent.”* (at 5)

*“But as the Lilo parties acknowledge, the Court ‘has considerable latitude in managing the parties’ motion practice.’”* (at 7)

*“These reasons are adequate to justify a modest three-page expansion of the page limitation.”* (at 8)

## FACTUAL BACKGROUND

Kahle's counsel, who was suffering from the flu and experiencing technical problems, filed a response to summary judgment approximately two and one-half hours after the deadline. The response exceeded the seventeen-page limit, contained typographical and record-citation problems, and omitted exhibits. Kahle promptly sought leave to file a shortened and corrected response and to exceed the page limit by three pages, before the Lilo parties filed a reply. The court found no prejudice from the amendment and concluded that the circumstances justified both amendment and the modest page expansion.

## PROCEDURAL HISTORY

Kahle filed her response to the Lilo parties' motion for summary judgment approximately two and one-half hours late, exceeding the page limit and omitting exhibits and adequate record citations. Before the next business day, she moved to amend the response and to exceed the page limitation. The court granted those motions and extended the Lilo parties' reply deadline and page limit. The Lilo parties then moved for reconsideration, effectively seeking to strike the amended response or require a compliant replacement brief. The court denied reconsideration.

## DISPOSITION

other

## CASES CITED

- Dawkins v. Nabisco, Inc., 1977 WL 15382, \*1 (N.D. Ga. 1977)
- Ellison Educ. Equip., Inc. v. Avery Elle, Inc., 2019 WL 2085959, \*1 n.1 (S.D. Cal. 2019)
- Roberts v. Dimension Aviation, 319 F. Supp. 2d 985, 987 (D. Ariz. 2004)
- Kidwell Grp. LLC v. Steadfast Ins. Co., 2024 WL 564317, \*1 (11th Cir. 2024)
- Johnson v. Noack, 2018 WL 3340876, \*16 (D. Or. 2018)
- Jones-Rankins v. Cardinal Health Inc., 2011 WL 6298011 (D. Ariz. 2011)
- Lane v. Sys. Application & Techs., Inc., 2015 WL 1013449 (D. Md. 2015)
- Best W. Int'l Inc. v. I-70 Hotel Corp., 2012 WL 2952363, \*1 (D. Ariz. 2012)
- McDonald v. Exeter Fin. LLC, 2023 WL 6295180, \*1 (D. Ariz. 2023)
- Hunt v. Brooks Run Min. Co., LLC, 51 F. Supp. 3d 627, 637 (S.D.W. Va. 2014)
- Christian v. Mattel, Inc., 286 F.3d 1118, 1129 (9th Cir. 2002)
- Stillwell v. City of Williams, 2013 WL 12188576, \*1 (D. Ariz. 2013)

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