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Decided: November 29, 2004

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Re: *Alan James v. William A. Furman, et al.*  
Civil Action No. 597-N

Dear Counsel:

I have considered defendants' request for a stay of discovery, for a continuance of trial and plaintiff's response thereto. Trial is currently scheduled for January 24, 2005. For the reasons discussed below I deny defendant's requested stay of discovery, but I grant the requested continuance of trial.

Defendants have filed and submitted a brief in favor of their motion for summary judgment. Plaintiff has a right to prepare its answer to the summary judgment motion based upon the full record, not just those facts

asserted by defendants. Defendants' assertion that plaintiff's remaining claims are moot as a result of the board action taken on November 9, 2004, is insufficient to deny plaintiff the procedural right of developing its own independent record. I, therefore, deny the defendants' request for a stay of discovery. I do, however, believe that all parties would be benefited by postponing the trial date until the motion for summary judgment is decided and, therefore, I grant the defendants' requested continuance of trial. A new trial date will be set, if necessary, after the motion for summary judgment is resolved.

IT IS SO ORDERED.

Very truly yours,

*/s/ William B. Chandler III*

William B. Chandler III

WBCIII:jsm