

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

IBERIABANK,)	
)	
Plaintiff,)	
)	CASE NO. 2:12-cv-639-MEF
v.)	(WO – Do not publish)
)	
WILLIAM R. POLK, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This action, which involves claims brought by IberiaBank (“Iberia”) against Defendants William Polk (“Polk”), Bethany Polk, and Polk Family Properties, LLC, under the Alabama Uniform Fraudulent Transfer Act, Ala. Code §§ 8-9A-4 & 8-9A-5, is presently set for trial on November 4, 2013. Polk filed a Motion to Continue (Doc. #40) on May 3, 2013, in which he requested a 120-day continuance of the trial setting and all related deadlines in this matter. On May 10, 2013, the Court heard argument on Polk’s motion during a telephonic status conference. Polk’s counsel argued that a continuance of the remaining deadlines in this matter was necessary because he has only recently been retained to represent Polk in this litigation, and thus, he is unfamiliar with the facts forming the basis of the fraudulent transfer claims against his client.¹ Polk’s counsel further advised the Court

¹ Polk’s prior counsel was forced to withdraw from this case because of a conflict of interest that could not be resolved. (*See* Docs. #26 & 31.)

and the other parties that he may attempt to retain an expert witness in this matter² and file a jury demand. Iberia opposes Polk's Motion to Continue and requests no more than a 30-day continuance of the trial setting and related deadlines.³ (Pl.'s Resp. to Mot. to Continue, Doc. #43.)

Upon consideration of the parties' arguments, it is hereby ORDERED that Polk file a supplement to his previously-filed Motion to Continue (Doc. #40) **on or before May 21, 2013**, which specifically addresses any deadlines in the Uniform Scheduling Order (Doc. #25) and the Amended Scheduling Order (Doc. #33) that Polk seeks to extend (or reopen) and provides new deadlines for the Court's consideration. The Court will reserve ruling on Polk's Motion to Continue (Doc. #40) until such time as the Court is able to address all scheduling issues in this matter at once.

DONE this the 14th day of May, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE

² The Court notes that Polk's deadline for disclosing the identities and reports of expert witnesses expired on March 15, 2013. (Uniform Scheduling Order at 2, Doc. #25.)

³ The other defendants in this action do not oppose Polk's motion.