

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

N.P., by and through his	}	
therapeutic foster parent,	}	
advocate, and next friend,	}	
L.S.,	}	CIVIL ACTION NO.
	}	11-AR-3463-S
Plaintiff,	}	
	}	
v.	}	
	}	
THE MIDFIELD CITY BOARD OF	}	
EDUCATION,	}	
	}	
Defendant.	}	

MEMORANDUM OPINION AND ORDER

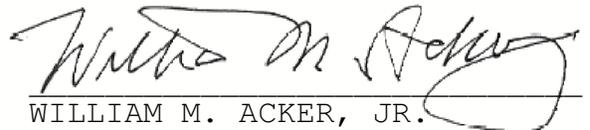
On August 14, 2012, this court entered an order confirming the scheduling order entered on March 6, 2012. The schedule provides that pre-discovery disclosures must be exchanged by March 30, 2012, and that all discovery shall be completed by October 31, 2012. Nothing has been filed by which the court can know whether these deadlines have been met, and, if so, what information discovery has provided. Although the scheduling order provides that potentially dispositive motions must be filed by November 30, 2012, the court voices the opinion that if there has been no discovery, there is no reason for postponing dispositive motions, particularly if the case is to be decided on the administrative record. Both parties are therefore ORDERED to file with the court two items **by 4:30 p.m., November 12, 2012:**

1. A report on the current status of discovery.
2. Any proof by plaintiff, or a concession by defendant,

paragraph 6 of the original complaint, which alleges that plaintiff is the "legal guardian" of N.P., is true.

Unless plaintiff is, in fact and in law, "the legal guardian" of N.P., the parties shall inform the court how plaintiff obtained the appellation "therapeutic foster parent, advocate, and next friend of N.P.", and the significance of the said appellation for the purposes of this suit.

DONE this 2nd day of November, 2012.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE