

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**DONNIE W. STRINGFELLOW, II and
SANDRA A. STRINGFELLOW**

PLAINTIFFS

v.

No. 1:12-cv-84-DPM

**FEDERAL NATIONAL MORTGAGE ASSN.
("FANNIE MAE") and JPMORGAN
CHASE BANK, N.A.**

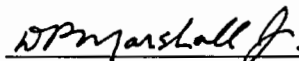
DEFENDANTS

ORDER

Defendants' motion to dismiss, *No 32*, and related papers move beyond the complaint with facts and non-public documents that may be disputed. The Court notes the joint motion for more time to respond, to stay discovery, and to issue a new scheduling Order. It, *No 35*, is denied. The better course is to recognize Defendants' motion for what it is—one for summary judgment—and give Plaintiffs adequate time to respond. The motion is converted. FED. R. CIV. P. 56(f). The Court directs Defendants to file a statement of undisputed material facts conforming to Local Rule 56.1 and this Court's scheduling Order, *No 31 at 3-4*. Statement due by 6 November 2013. Plaintiffs' responding papers due by 27 November 2013. The Court calls Plaintiffs' attention to the requirements for their responding statement of

material facts. *No 31 at 3-4.* Any reply due by 6 December 2013. Given the delays to date in this case, these deadlines will not be extended. If the parties know they need to take a deposition or two, then they should schedule them now to comply with the briefing schedule.

So Ordered.



D.P. Marshall Jr.
United States District Judge

24 October 2013