

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

S & S SALES CO., INC.

PLAINTIFF

v.

No. 2:11-cv-155-DPM

KELLOGG COMPANY;
KELLOGG SALES COMPANY,
d/b/a KELLOGG'S SNACKS; KELLOGG USA INC.;
and GULF COAST COOKIES LLC

DEFENDANTS

ORDER

The Court construes Sales's notice, *Document No. 28*, as a motion for Clerk's default. Kellogg has objected. *Document No. 29*. At the December 2011 hearing, the Court denied Kellogg's motion to dismiss without prejudice and then filed a confirming order. *Document No. 24*. The Court intended the matter to proceed with limited discovery pending resolution of the certified question. In the circumstances, Kellogg's delay in answering Sales's complaint is excused. But Kellogg must answer by 9 March 2012. Motion, *Document No. 28*, denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

21 February 2012