

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

JOHNNIE LEE JONES

PLAINTIFF

vs.

NO: 3:07CV00130 BSM

USF HOLLAND, INC.

DEFENDANT

ORDER

Pending before the court is plaintiff's motion to reconsider the order denying the joint motion for continuance of the May 18, 2009 trial.

The accident, which is at the core of this case, occurred on October 19, 2004, in Marion, Arkansas. Plaintiff filed his complaint on September 19, 2007, and the complaint was answered on October 9, 2007. The trial was initially set for October 14, 2008, but was continued to its present setting of May 18, 2009.

On February 17, 2009, plaintiff filed an unopposed motion to continue the trial. The court denied the motion on February 18, noting that this is not a difficult case. The court, however, extended the discovery deadline to March 9. On February 27, plaintiff filed a motion to reconsider, asserting that he has been treated by numerous physicians at many medical facilities and that he has been unable to schedule the depositions of the physicians. Defendant responded that it has received nothing from plaintiff indicating that plaintiff has attempted to schedule the doctors' depositions and that defendant stands ready for trial.

The court has reconsidered its previous order and again finds that this is a routine trucking accident case that does not involve unique and/or difficult issues. The parties have

had approximately eighteen months since the date that this case was filed to engage in, and complete, discovery. Moreover, the parties have had more than four years since the date of the accident to line up their witnesses. More importantly, in a note to counsel, plaintiff has waited more than four years for a trial and deserves his day in court; while defendant has waited the same amount of time and deserves to have this case resolved.

Accordingly, the motion for reconsideration (Doc. No. 41) is denied.

IT IS SO ORDERED this 2nd day of March, 2009.



UNITED STATES DISTRICT JUDGE