

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

KEVIN NUTT and LISA NUTT,	*	
	*	
Plaintiffs,	*	
vs.	*	No. 3:10-cv-00307-SWW
	*	
	*	
STAFFORD KEES; CARROLL COUNTY	*	
NURSING AND REHAB CENTER, INC., an	*	
Arkansas Corporation; OSCEOLA NURSING	*	
HOME, LLP, an Arkansas Limited Liability	*	
Partnership; OSCEOLA THERAPY AND	*	
LIVING CENTER, INC., an Arkansas	*	
Corporation; OSCEOLA HEALTHCARE,	*	
PLLC, an Arkansas Professional	*	
Limited Liability Company; and HOPE	*	
HEALTHCARE, LLC, an Arkansas Limited	*	
Liability Company,	*	
	*	
Defendants.	*	

ORDER

Plaintiffs Kevin Nutt and Lisa Nutt bring this action pursuant to the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.*, alleging that defendants, Stafford Kees, Carroll County Nursing & Rehab Center, Inc., Osceola Nursing Home, LLP, Osceola Therapy & Living Center, Inc., Osceola Healthcare, PLLC, and Hope Healthcare, LLC, failed to make health insurance premium payments to a group health plan despite making deductions from pay to cover such premiums. Plaintiffs further allege that they were employed by defendants in various capacities and that their employment was terminated in retaliation for insisting that defendants provide the benefits they had been promised.

By Order entered December 5, 2012 [doc.#40], the Court granted plaintiffs’ unopposed motion for default judgment [doc.#35] against Osceola Nursing Home, LLP and Osceola

Healthcare, PLLC. The Court stated that it would schedule a damages hearing at the conclusion of the time for conducting discovery, which expired on March 16, 2012.

By Order entered March 20, 2012 [doc.#42], the Court directed plaintiffs to inform the Court of the current status of this action, including whether further discovery is required or whether a damages hearing may now be set. Plaintiffs timely filed a status report [doc.#43] detailing the progress of the case to date and asking for certain deadlines and a trial date.

In accordance with the request of plaintiffs and defendant Carroll County Nursing and Rehab Center, Inc., the Court establishes a discovery deadline of to and including July 13, 2012, and a dispositive motions deadline of to and including August 17, 2012. Responses to any dispositive motions must be filed on or before September 17, 2012, and replies to any responses must be filed on or before October 5, 2012. The Court will set a trial date by separate Order. The Court directs that the parties consult with the Court's courtroom deputy—Cecilia Norwood—about possible trial dates.¹

IT IS SO ORDERED this 9th day of April 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ As previously noted, separate defendants Osceola Nursing Home, LLP, and Osceola Healthcare, PLLC, are in default, these entities having not obtained counsel despite being warned of the consequences of their failure to do so, see Orders entered August 10, 2011 [doc.#30], September 1, 2011 [doc.#32], and December 5, 2011 [doc.#40], and separate defendant Stafford Kees is apparently proceeding *pro se*. See *id.*