

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

MICHAEL RHODES

PLAINTIFF

v.

CASE NO. 4:07CV01053 BSM

UNION PACIFIC RAILROAD COMPANY

DEFENDANT


**ORDER**

Pending before the court is plaintiff's motion for continuance of the March 30, 2009 trial in order to seek additional medical treatment for his shoulder. Defendant does not oppose a continuance but requests that any new discovery be limited to the continued treatment, surgery, and prognosis of plaintiff's shoulder. Plaintiff counters that discovery should not be limited in that plaintiff's entire physical, mental and emotional state may change between now and any future trial date.

The court finds that a continuance of the trial is warranted under the circumstances. The court further finds that extending the discovery deadline will not be unduly prejudicial to defendant, and will therefore not limit discovery to certain matters. The court will issue a new scheduling order. In light of the new scheduling order, defendant's motion to strike improperly disclosed witnesses (Doc. No. 27), defendant's first motion in limine (Doc. No. 29), defendant's motion to exclude plaintiff's expert witness (Doc. No. 31), and plaintiff's motion in limine (Doc. No. 33) are denied without prejudice to renew.

Accordingly, plaintiff's motion to continue (Doc. No. 26) is granted.

IT IS SO ORDERED this 16th day of March, 2009.

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UNITED STATES DISTRICT JUDGE