

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

ELLIS RAY BARBER

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Plaintiff

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V.

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NO:4:08CV04155 SWW

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C1 TRUCK DRIVER TRAINING LLC,
ET AL.

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Defendant

ORDER

Ellis Ray Barber (“Barber”) brings this employment discrimination action against his former employer, C1 Truck Driver Training LLC (“C1”) and others. Before the Court is C1’s motion to reopen discovery (docket entry #43), Barber’s response in opposition (docket entries #44, #45), and C1’s reply (docket entry #46). After careful consideration, the motion to reopen discovery will be denied.

In opposition to C1’s motion for summary judgment, Barber submitted affidavits by former C1 employees. C1 asserts that even considering the affidavit testimony presented by Barber, no genuine issues exist for trial. Nevertheless, C1 asks the Court to extend the deadline for its reply brief and reopen discovery for the purpose of allowing it to depose the affiants. C1 asserts that additional discovery will serve the interest of judicial economy and allow counsel to better prepare for trial and settlement negotiations.

Barber opposes C1’s motion, arguing that additional discovery at this time will only delay resolution of this case. The Court finds that the interest of judicial economy requires that C1’s

motion be denied at this time.

IT IS THEREFORE ORDERED that Defendant C1 Truck Driver Training LLC's motion to reopen discovery (docket entry #43) is hereby DENIED WITHOUT PREJUDICE. Defendant may renew the motion following a decision on Defendant's motion for summary judgment.

Defendant has up to and including seven days from the entry date of this order in which to file a reply in support of its motion for summary judgment.

IT IS SO ORDERED THIS 28TH DAY OF JUNE, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE