

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

ALBERTA ROSE JONES, *
*
Plaintiff, *
vs. * No. 4:11CV00256 SWW
*
ELI LILLY, ET AL., *
*
Defendants. *

Order

Before the Court is a motion for protective order filed by separate defendants John Wesley Hall and Jennifer L. Maher on May 27, 2011. Upon separate defendants' request to "conduct a hearing soon," the Court entered an order on June 3, 2011, setting a hearing for June 15, 2011. The Court denied plaintiff's request for an extension of time to respond to the motion for protective order and to postpone the hearing, and plaintiff filed a motion for declaratory judgment, a motion to disqualify, and two motions to dismiss the motion for protective order. Separate defendants responded to plaintiffs' motions.

Plaintiff failed to appear at the hearing held this date on the motion for protective order.¹ For the reasons stated at the hearing, the Court grants the motion for protective order and denies the motion for declaratory judgment and motions to dismiss. The Court finds it has authority pursuant to the All Writs Act, 28 U.S.C § 1651, and the Court's inherent equitable powers, to grant the motion for protective order. The Court further finds separate defendants established

¹Plaintiff filed a memorandum of law in support of her motion to disqualify and stated in that pleading filed on June 13, 2011, that she would not be present at the hearing because of a family emergency. *See* docket entry 92 at 10. Plaintiff also filed a sworn affidavit that day in which she included a request for an order to stay proceedings for 60 days. *See* docket entry 97. However, she did not file a motion seeking a stay of the hearing and the Court does not interpret her sworn affidavit as a motion.

they are entitled to a protective order. Separate defendants verbally amended their motion to decrease the radius around which they seek protection from 500 feet to 100 feet. Therefore, the Court orders plaintiff to remain at least 100 feet from separate defendants' office and any other place she knows they are present. The protective order is effective immediately and remains in effect until lifted by the Court. By way of reciprocity, the Court will consider on proper motion a protective order to keep separate defendants 100 feet away from plaintiff.²

Plaintiff moves the Court to disqualify herself on the basis that the Court has made unfavorable rulings. Separate defendants responded in opposition to the motion. The Court denies the motion. If any other party wishes to respond to plaintiff's motion to disqualify, they may file a motion asking the Court to reconsider her decision.

Because of the complexity of the allegations of the complaint and the number of defendants, the Court states that she likely will not grant plaintiff leave to file any more amended complaints until the parties named in the second amended complaint have an opportunity to answer the complaint and the Court has an opportunity to rule on any motions that may be filed in response to the second amended complaint.

IT IS THEREFORE ORDERED that the motion for protective order [docket entry 61] is granted, and the motion for declaratory judgment [docket entry 89], motion to recuse [docket entry 91], and motions to dismiss [docket entries 94 & 95] are denied.

DATED this 15th day of June, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

²The Court notes that the record contains no physical address for plaintiff, only a post office box number in North Little Rock, Arkansas.