

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

**LACEY TAYLOR and RACHEL  
JENSON, both individually and on  
behalf of others similarly situated**

**PLAINTIFFS**

**v.**

**No. 4:11-cv-269-DPM**

**DRUGSTORE COWBOYS, INC.,  
Individually and d/b/a/ GENTLEMEN'S  
CLUB 70; CRAIG SNYDER; and CLAUDE  
SKELTON**

**DEFENDANTS**

**ORDER**

The Court is disappointed with all this needless scuffling. The issues as to Livdahl are moot because—based on the parties' agreement—the Court granted him summary judgment on 22 March 2012. Taylor and Jenson should not have filed a lengthy (and belated) response and responding brief to a motion they had agreed should be granted—a motion which the Court had indeed granted the day before, and which Plaintiffs did not seek to revisit as to Livdahl. *Document Nos. 67, 68, & 69.* Plaintiffs' effort to steal a march on issues now related only to the remaining individual defendants, while arguing against Livdahl's briefing on an already decided motion, was

misguided. And it has created a cascade of resulting papers and motions. E.g., *Document Nos. 70, 71, 72, & 73*. This wasted time and effort for everyone. Livdahl's frustration is understandable.

The Court *sua sponte* strikes Taylor and Jenson's response, their responding brief, their statement of facts, and Livdahl's reply because all these papers touch issues already decided as to Livdahl. Motion to strike, *Document No. 71*, denied as moot. The Court denies Taylor and Jenson's motion, *Document No. 73*, to file a sur-reply.

And now Livdahl has moved for sanctions. The Court stays all action on this extraordinary motion, and in particular directs Taylor and Jenson not to respond to it until so ordered. The Court requests all counsel to pause and reconsider from the perspective of the party and lawyer on the other side of the case. The Court directs that Mr. Sanford, Ms. Milligan, and Mr. Napper meet in person and make a good-faith effort to resolve their differences. The Court suggests that counsel discuss the matter over lunch. *Joint* status report on the meeting due by 20 April 2012.

Taylor and Jenson also move for more time to respond to Skelton's motion for summary judgment. Skelton opposes their request to defer so they

can do some discovery. The motion is granted in part and denied in part. Taylor and Jenson may supplement their response by 8 June 2012. This is adequate time for them to get responses to written discovery, depose a few folks, and file a concise supplemental response to Skelton's papers. The employer issue is not complicated.

Finally, the Court cautions Taylor and Jenson about the length and number of their papers. Getting extra time to do some discovery before responding to Skelton's motion for summary judgment, for example, does not justify a five-page motion, a five-page affidavit, and a fifteen-page brief. This is of a piece with filing fifteen pages of stuff about a motion that the Court had already granted, *Document Nos. 67, 68, & 69*, and filing amended versions of voluminous motions that only deleted Livdahl, *Document Nos. 59 & 60*. Taylor and Jenson would be better served by more concise papers and fewer of them.

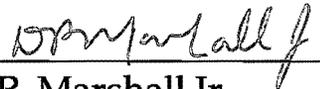
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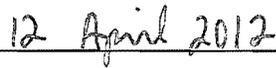
The Clerk is directed to strike *Document Nos. 67, 68, 69, & 70*. Motion to strike, *Document No. 71*, denied as moot. Motion for sur-reply, *Document No. 73*, denied.

Amended motion for more time, *Document No. 77*, granted in part and denied in part. Taylor and Jenson's concise supplemental response to Skelton's summary-judgment motion is due 8 June 2012. The previous motion for more time, *Document No. 74*, is denied as moot.

Finally, all action on the motion for sanctions, *Document No. 80*, is stayed. Instead, Taylor, Jenson, and Livdahl's joint status report is due by 20 April 2012. All other deadlines remain unchanged.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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12 April 2012