

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

SCOTT VEST, on behalf
of himself and all others
similarly situated

PLAINTIFF

v.

Case No. 4:11-cv-364-DPM

HAYWARD BATTLE,
individually and in his
official capacity


DEFENDANT

ORDER

Counsel's motion, *Document No. 9*, is in the spirit of Federal Rule of Civil Procedure 56(d), formerly 56(f). Battle's motion is one for summary judgment. This case is about four months old – just beginning. While Battle's immunity arguments seem strong, Vest is entitled to explore the material facts affirmed in Battle's affidavit. To that end, within the next thirty days Vest may depose Battles, with the deposition not exceeding two hours. Vest's response to the motion for summary judgment due by 15 October 2011.

Motion, *Document No. 9*, granted.

So Ordered.



D.P. Marshall Jr.
United States District Judge

6 September 2011