

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

BANK OF ENGLAND d/b/a ENG		*
Lending	*	
	*	
Plaintiff	*	
	*	
V.	*	NO: 4:15CV00683 SWW
	*	(LEAD CASE)
TREVOR BARRETT and BARRETT	*	
FINANCIAL GROUP LLC	*	
	*	
Defendants	*	

CONSOLIDATED WITH

TREVOR BARRETT and BARRETT		*
FINANCIAL GROUP LLC	*	
	*	
Plaintiffs	*	
	*	
V.	*	NO: 4:16CV00546 SWW
	*	
BANK OF ENGLAND d/b/a ENG	*	
Lending and Does	*	
	*	
Defendants	*	

ORDER

Before the Court in these consolidated cases is a motion by Trevor Barrett and Barrett Financial Group LLC, the defendants in No. 4:15CV00683 SWW and the plaintiffs in No. 4:15CV00546 SWW, asking the Court to amend the scheduling order [ECF No. 33]. Bank of England has filed a response [ECF No. 34]. After careful consideration, and for reasons that

follow, the motion is granted in part and denied in part as provided in this order.

Movants report that their attorney will be out of the country from January 1, 2018 through March 4, 2018, hiking the Te Araroa Trail in New Zealand. They state that counsel will be “in very remote back-country, with only a backpack, [and he] will have extremely limited internet and telephone access and will be unavailable for all purposes.”¹ In light of counsel’s absence, movants ask the Court to maintain the same trial date but extend the deadlines for discovery and dispositive motions by approximately three months.² Additionally, movants ask the Court to stay all litigation in this case until counsel returns. Bank of England responds that it does not object to the proposed extensions, but it will not agree to stop all litigation during counsel’s sixty-day vacation.

As explained in the initial scheduling order, as a matter of course, the Court sets the deadline for dispositive motions to fall at least four months before the scheduled trial date, and the discovery deadline expires five months before trial. This practice provides time for a response and a reply to motions for summary judgment, and it allows the Court enough time to carefully consider and decide dispositive motions prior to trial.

The motion to amend the final scheduling order [ECF No. 33] is **GRANTED IN PART AND DENIED IN PART**. The request for a stay is denied.³ Because counsel for Trevor Barrett and Barrett Financial Group LLC is out of the country and unavailable for all purposes until March 4, 2018, the Court will continue the trial date and set new pretrial deadlines in accordance

¹ ECF No. 33, at 2.

² Trial is currently set for August 20, 2018, and the proposed amended deadlines would extend the discovery and dispositive motions deadline to May 15, 2018, which falls approximately 3 months before the trial date.

³ Bank of England states that it will not conduct depositions during the sixty-day period, but it does plan to serve written discovery requests on third parties. Bank of England also states that in the event that it files a motion during the sixty-day period, it would agree to extend the response time.

with the Court's standard scheduling practices. An amended scheduling order will be issued separately.

IT IS SO ORDERED THIS 9th DAY OF JANUARY, 2018.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

