

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

MELODY L.LEE, as personal
representative of the ESTATE OF
JOHN ANDREW MORTON, deceased

PLAINTIFF

V. CASE No. 08-2115

BOBBY A. OVERBEY, an individual
and BRENT HIGGINS TRUCKING, INC.,
a corporation

DEFENDANTS

ORDER

Now before the Court are Defendants' Motion for Continuance and supporting brief (docs. 219-20); Plaintiff's Response in Opposition and supporting brief (docs. 224 & 226) and Defendants' Reply (doc. 230). Also before the Court are the Motion to Withdraw and supporting brief (docs. 223 & 225) filed by counsel for defendants, James Stanton and Alfred Angulo, and Plaintiff's Response in Opposition and supporting brief (docs. 231-32).

This action has been pending since October 2008, and defense counsel has represented the defendants since the inception of this action. The trial is currently scheduled to begin on February 2, 2010. No good cause exists for either a continuance or a withdrawal at this late date, and the allowance of either would only serve to prejudice the plaintiff. Both motions (docs. 219 & 223) are DENIED, and this matter remains scheduled for a jury trial beginning, February 2, 2010.

IT IS SO ORDERED this 19th day of January 2010.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge