

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

PAMELA SUE DAVIS and  
SAM H. DAVIS, Her Husband

PLAINTIFFS

v.

Civil No. 10-3030

THE SHERWIN-WILLIAMS COMPANY  
and LEASE PLAN U.S.A., INC.

DEFENDANTS

O R D E R

Now on this 7th day of December, 2010, come on for consideration **Defendants' Joint Motion To Stay Discovery** (document #17) and **Plaintiffs' Motion To Extend The Time Within Which Plaintiffs Must Respond To Defendants' Motion For Summary Judgment, et al.** (document #19), and from said motions, and the arguments of counsel in a telephone conference this date, the Court finds and orders as follows:

1. The pending motions arise out of the intersection of pending discovery requests on the part of plaintiffs and a motion for summary judgment filed by defendants which involves what appears to be a purely legal issue. Defendants would prefer not to respond to the discovery until the Court rules on their motion; plaintiffs assert their right to receive the outstanding discovery in aid of their response and in support of a proposed amendment to their Complaint.

2. Pursuant to the agreements of the parties reached during the telephone conference, the Court directs that defendants

respond to plaintiffs' outstanding discovery as fully as possible (excluding information covered by such clear protections as the attorney-client privilege) on or before December 21, 2010. If a dispute still exists as to this discovery, the parties are to contact the Court via telephone and attempt to promptly resolve it.

3. Plaintiffs will be allowed to amend their Complaint to state a claim of independent negligence on the part of The Sherwin-Williams Company, and should do so on or before December 13, 2010.

4. Plaintiffs' time to respond to the pending Motion For Summary Judgment is extended to January 5, 2011.

**IT IS THEREFORE ORDERED** that, consistent with the agreements of the parties outlined herein, **Defendants' Joint Motion To Stay Discovery** (document #17) and **Plaintiffs' Motion To Extend The Time Within Which Plaintiffs Must Respond To Defendants' Motion For Summary Judgment, et al.** (document #19) are moot.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
**JIMM LARRY HENDREN**  
**UNITED STATES DISTRICT JUDGE**