

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

TRAVIS FRANCE

PLAINTIFF

v.

No. 06-5226

DEPUTY GRANT and  
DEPUTY DAPP

DEFENDANTS

**O R D E R**

Now on this 8<sup>th</sup> day of October, 2008, comes on for consideration separate defendant Deputy Dapp's **Motion for Stay of Proceedings (Doc. 65)**. The Court, being well and sufficiently advised, hereby finds and orders as follows with respect thereto:

1. Pursuant to 50 U.S.C. App. § 522, Deputy Dapp's **Motion (Doc. 65)** is hereby **GRANTED** to the extent that plaintiff's claims against Deputy Dapp are hereby stayed until he returns from his deployment to Iraq. Within 14 days of Deputy Dapp's return, defense counsel is directed to file a motion to lift the stay. Defense counsel shall specify in that motion whether there is any outstanding discovery to be conducted. A scheduling order will then issue setting plaintiff's claims against Deputy Dapp for trial.

2. Plaintiff's claims against separate Defendant Deputy Grant will not be stayed, as the two defendants are being sued for their individual actions - Deputy Grant for using excessive force and Deputy Dapp for failing to intervene to protect the plaintiff. Plaintiff's claims against Deputy Grant will proceed to trial, as scheduled, on February 2, 2009.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE