

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNLIMITED RESOURCES
INCORPORATED, etc.,

Plaintiff,

v.

No.3:07-cv-961-J-12MCR

DEPLOYED RESOURCES, LLC,

Defendant.

ORDER

This cause is before the Court upon a further review of the parties' motions for summary judgment (Docs. 100 and 101) and other proceedings herein. On April 15, 2009, Plaintiff's Motion for Summary Judgment (Doc. 100) and Defendant Deployed Resources, LLC's Dispositive Motion for Summary Judgment (Doc. 101) were filed. Both of these motions were filed in compliance with the dispositive motion deadline set forth in the Court's Case Management Order (Doc. 17) and were directed to the Plaintiff's original fifteen-count Complaint (Doc. 1).

Thereafter, on April 24, 2009, the United States Magistrate Judge permitted the Plaintiff to file an Amended Complaint (Doc. 105), containing only three of the original fifteen counts, plus additional factual information regarding the basis of Plaintiff's claims. The United States Magistrate Judge extended the discovery deadline until May 22, 2009, to permit the parties to complete what has been a protracted and contentious discovery process as evidenced by the number of discovery motions filed and the Orders of the United States Magistrate Judge, and extended the the dispositive motion deadline until

June 15, 2009. See Doc. 104.

The Plaintiff filed a response (Doc. 110) to the Defendant's Dispositive Motion for Summary Judgment on April 28, 2009. On May 8, 2009, the Court granted the Defendant leave to file its response to the Plaintiff's Motion for Summary Judgment no later than June 5, 2009 (see Doc. 117).

Since the Court's Order extending the time for the Defendant to file its response to the Plaintiff's Motion for Summary Judgment, the United States Magistrate Judge has ruled on four discovery motions: two motions to compel filed by the Plaintiff, and a motion for additional interrogatories and for an extension of time to complete a deposition by the Defendant. See Docs. 122, 123, 129 and 132. An issue still remains as to whether the deposition requested by the Defendant will be permitted and the United States Magistrate Judge has set deadlines of May 29 and June 1, 2009, for further submissions as to that issue. See Doc. 132.

In addition, on May 11, 2009, the Defendant filed a Motion to Strike Portions of the Amended Complaint and Motion for More Definite Statement (Doc. 121). As of the date of this Order, this motion still is pending before the United States Magistrate Judge.

In light of the filing of the Amended Complaint subsequent to the filing of the motions for summary judgment, the ongoing discovery proceedings in this case, the pending motion to strike portions of Plaintiff's Amended Complaint, and the revised dispositive motion deadline of June 15, 2009, the Court finds that it is in the interest of the efficient disposition of summary judgment issues to at this time deny both pending motions for summary judgment without prejudice to the parties' right to refile motions for summary judgment no later than June 15, 2009. This will allow the parties to address their motions

to the Amended Complaint, and to conclude discovery so they may include all relevant facts and issues in their submissions to the Court. Accordingly, it is

ORDERED AND ADJUDGED:

That for the reasons stated in this Order, Plaintiff's Motion for Summary Judgment (Doc. 100) and Defendant Deployed Resources, LLC's Dispositive Motion for Summary Judgment (Doc. 101) are denied without prejudice to the right of the parties to refile motions for summary judgment no later than June 15, 2009.

DONE AND ORDERED this 22nd day of May 2009.

Howell W. Melton
Senior U.S. District Judge

c: Counsel of Record