

THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

TRUST FINANCIAL,
A MORTGAGE COMPANY, LLC,
a Texas Limited Liability Company,

Plaintiff,

v.

CASE NO. 1:10-cv-00049-SPM-GRJ

FORT ATKINSON PLANTATION, LLC,
a Florida Limited Liability Company,
OWEN B. LOVEJOY,
FRED J. HATFIELD, III,
MARVIN BUCHANAN,
SHERROD CAMPBELL, and
CHARLES SHERWOOD,

Defendants.

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ORDER

The matter is before the Court on Plaintiff's Motion For Entry Of Order Excusing Submission Of Pre-Trial Stipulations. (Doc. 90.) Plaintiff requests the Court to enter an order excusing the parties from the obligation to file a Pre-Trial Stipulation on or before March 10, 2011 until after such time as the Court has ruled on Plaintiff's Motion For Summary Judgment. (Doc. 85.)

In support of its request, Plaintiff represents that three Defendants (Fort Atkinson Plantation, LLC, Fred J. Hatfield, III, and Marvin Buchanan) have expressly consented to the granting of Plaintiff's pending Motion For Summary Judgment. (Doc. 85.) Plaintiff further represents that the other three Defendants (Sherrod Campbell, Charles Sherwood, and Owen Lovejoy) have not filed any response to

Plaintiff's Motion For Summary Judgment and the time for doing so has expired. Accordingly, Plaintiff suggests because the it is likely this case will be disposed of prior to trial there is no need for a pre-trial stipulation unless the motion for summary judgment is denied. The Court agrees that the Court should first resolve the motion for summary judgment before the parties would be required to file the pre-trial stipulation.

Accordingly, upon due consideration, it is **ORDERED** that:

1. Plaintiff's Motion For Entry Of Order Excusing Submission Of Pre-Trial Stipulations (Doc. 90) is **GRANTED**.
2. In the event that the Court denies Plaintiff's Motion For Summary Judgment (Doc. 85), within **seven (7) days** from the date of the Court's order, counsel for the parties shall confer as directed in paragraph II of the Order Setting Pre-Trial Conference. (Doc. 87.) Within **seven (7) days** of such conference, the parties shall file the pre-trial stipulation and other papers required by paragraphs III and IV of the Order Setting Pre-Trial Conference.

DONE AND ORDERED this 2nd day of March, 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge