

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

PACE PROPERTIES, LLC,  
Plaintiff,

v.

Case No. 3:08cv345/MCR/EMT

EXCELSIOR CONSTRUCTION, INC.,  
Defendant.

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**ORDER**

This cause is before the court upon Defendant's Motion to Compel Documents in Possession of Third Party, Merrill Parker & Shaw, Inc. (Doc. 121). Before the court rules on this matter, Plaintiff shall have an opportunity to respond.

Accordingly, it is **ORDERED**:

Plaintiff shall respond to Defendant's motion on or before **FRIDAY, MAY 29, 2009**.

**DONE AND ORDERED** this 15<sup>th</sup> day of May 2009.

/s/ Elizabeth M. Timothy

**ELIZABETH M. TIMOTHY**

**UNITED STATES MAGISTRATE JUDGE**