

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

HOME DESIGN SERVICES INC.,

Plaintiff,

vs.

4:08-CV-355-SPM/WCS

TURNER HERITAGE HOMES INC, et al.,

Defendants.

ORDER

THIS CAUSE comes before the Court on the Defendants' Motion to Exclude New Evidence or, In the Alternative, Continue Trial (doc. 255), and Plaintiff's Response in Opposition (doc. 261). Good cause for the continuance having been found, it is hereby ORDERED AND ADJUDGED as follows:

1. The Defendants' Motion to Continue (doc. 255) is GRANTED.
2. Trial in this matter is continued and will be rescheduled by separate order.
3. The discovery period is reopened, and will remain open until November 5, 2010, to allow the Parties to conduct discovery in preparation for trial regarding the evidence first identified by the Plaintiff after the close of discovery in docket entry 206.
4. As the Court has already found that there exist genuine issues of material fact regarding access and similarity (doc. 224), the

summary judgment period will not be reopened.

DONE AND ORDERED this ninth day of August, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge