

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

KINGDOM INSURANCE GROUP, :  
LLC, KINGDOM BUSINESS :  
SERVICES, LLC, KINGDOMCARE, :  
LLC, and KINGDOM BENEFITS :  
ASSOCIATION, LLC, :

Plaintiffs, :

v. :

Case No. 7:09-CV-117 (HL)

CUTLER AND ASSOCIATES, INC., :  
SHEP R. CUTLER, and UNITED :  
HEALTHCARE INSURANCE :  
COMPANY, :

Defendants. :

**ORDER**

This matter is before the Court on the Consent Motion to Establish Briefing Schedule on Pending Motions and Responsive Pleadings (Doc. 9) (the "Consent Motion") filed jointly by the parties in this case. For the following reasons, the Consent Motion is granted in part and denied in part.

This is a case for money damages originally filed against the Defendants in the Superior Court of Thomas County, Georgia. Defendants filed a Notice of Removal (Doc. 1), thereby removing this case to this Court. Since arriving in this Court, several documents have been filed in this case, chief among them the Plaintiffs' Motion to Remand (Doc. 4), the Motion to Dismiss the First Amended Complaint (Doc. 5) (the "Motion to Dismiss/CA") filed by Defendants Cutler and Associates, Inc. and Shep R.

Cutler, the Answer of Cutler and Associates, Inc. and Shep R. Cutler and Counterclaim of Cutler and Associates, Inc. (Doc. 7) (the “Answer”), and the Motion to Dismiss (Doc. 8) (the “Motion to Dismiss/UHC”) filed by Defendant United Healthcare Insurance Company. Responses to these Motions and the Answer are due soon.

The parties rightly point out to this Court that the issue of paramount importance is the issue of whether or not to remand this case to the Superior Court of Thomas County. In the interests of judicial economy, therefore, the parties ask for the following relief: (1) a stay of the briefing requirements for the Motion to Dismiss/CA, the Answer, and the Motion to Dismiss/UHC pending an order from this Court on the Motion to Remand; (2) the establishment of a briefing schedule in the event this Court does not remand the case; (3) the establishment of a briefing schedule in the event this Court does remand the case; and (4) a hearing on the Motion to Remand.<sup>1</sup> The Court rules as follows:

First, this Court grants the parties’ request for a stay of the responses to the Motion to Dismiss/CA (Doc. 5), the Answer (Doc. 7) and the Motion to Dismiss/UHC (Doc. 8) pending an order from this Court on the Motion to Remand.

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<sup>1</sup> While the parties jointly ask for items 1-3, the Defendants alone ask for item 4, while the Plaintiffs oppose it.

Second, in the event this Court denies the Motion to Remand, the responses to the Motions to Dismiss and the Answer will be due thirty days from the entry of the order denying the Motion to Remand.

Third, in the event this Court grants the Motion to Remand, this Court can provide no binding briefing schedule for the state court proceedings. Therefore, this Court denies the request to create a briefing schedule for the state court proceedings.

Fourth, the request for a hearing on the Motion to Remand is denied.

For the foregoing reasons, the Consent Motion (Doc. 9) is granted in part and denied in part.

**SO ORDERED**, this the 10<sup>th</sup> day of November, 2009.

*s/ Hugh Lawson*  
HUGH LAWSON, JUDGE

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