

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert M. Dow, Jr	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 3742	DATE	12/8/2010
CASE TITLE	Hare vs. Custable		

DOCKET ENTRY TEXT

Plaintiff's motion concerning the terms of communications between Plaintiff's counsel and Defendant Custable [202] is taken under advisement. For the reasons stated below, the Court will defer consideration of the motion until after it has ruled on Defendant Custable's motion for appointment of counsel [198] and Defendant Custable's motion for leave to proceed *in forma pauperis* (with financial affidavit) [199], both of which present complex issues that the Court is in the process of evaluating. To the extent that the issues raised in Plaintiff's motion remain live after the ruling on Defendant's pending motions, the Court will set a briefing schedule at that time. In the meantime, the notice of motion date of 12/9/2010 is stricken and no appearances are necessary on that date.

■ [For further details see text below.]

Docketing to mail notices. Notices mailed by Judicial staff.

STATEMENT

Before the Court are three motions: (1) Defendant Custable's motion for appointment of counsel [198], (2) Defendant Custable's motion for leave to proceed *in forma pauperis* ("IFP") (with financial affidavit) [199], and (3) Plaintiff's motion concerning communications with Defendant Custable [202]. Defendant's motions present a good deal more complexity than the typical motion to proceed IFP and motion for appointment of counsel because of Defendant's complex financial circumstances, which the Court is in the process of evaluating against the pertinent case law governing IFP status and the related appointment of counsel issues.

Given the pendency of Defendant's motions, the 12/22/2010 deadline for further progress on the draft final pre-trial order [see 197] is stricken and will be reset following the disposition of the motions. The disposition of Plaintiff's motion [202] also must await the resolution of Defendant's requests to proceed IFP and for appointment of counsel [198, 199]; if counsel is appointed, then Plaintiff's motion would be moot. Although the Court will not issue a formal ruling on Plaintiff's motion until after the disposition of Defendant's motions, the Court notes that while the three motions are pending, there does not appear to be any pressing need for any communications between counsel for Plaintiff and Defendant Custable – and certainly no need for oral communications.

Courtroom Deputy Initials:	tbk
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