

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PAT BEESLEY, et al.,

Plaintiffs,

v.

INTERNATIONAL PAPER COMPANY, et al.,

Defendants.

No. 06-703-DRH

ORDER

HERNDON, Chief Judge:

On September 9, 2011, the Court sua sponte entered an order (Doc. 403), directing the parties to file motions on how the Court should proceed with regard to the motions that were pending prior to the Seventh Circuit's mandate regarding class certification. On October 7, 2011, plaintiffs filed their motion (Doc. 419), asking the Court to decide the motions that were filed prior to defendants' interlocutory appeal. Specifically, plaintiffs requested that the Court rule on the parties cross-motions for partial summary judgment (Docs. 253 & 254) and plaintiffs' motion to strike the declaration of Daniel G. Laline, Jr. (Doc. 283), as it related to plaintiffs' motion for partial summary judgment. Plaintiffs also indicated that they

believe the Court should simply take the pending motions to exclude with the trial.

On October 11, 2011, defendants filed their motion (Doc. 420). Defendants moved for the Court to decide plaintiffs' amended motion for class certification (Doc. 357) before ruling on the parties' pending motions for summary judgment and to deny as moot their motion for partial summary judgment and to permit defendants to file a substitute motion for summary judgment. Defendants also asked the Court to rule on their pending motions to exclude. Both parties filed response to each others' motions (Docs. 427 & 428).

Having considered the motions, the Court grants defendants' motion to deny as moot defendants' pending motion for partial summary judgment (Doc. 254) and permits defendants to file a substitute summary judgment motion. The Court defers ruling on the remainder of defendants' motion (Doc. 420) and on plaintiffs' motion (Doc. 419) as the Court is still considering how to best proceed with this case but believes a newly drafted summary judgment motion would be an accommodation to the parties and the Court with regard to addressing and resolving the issues in this case. Accordingly, defendant's motion for summary judgment (Doc. 254) is denied as moot, and the Court sets forth the following deadlines: defendants' motion for summary judgment is due December 21, 2011, plaintiffs' response is due February 6, 2012, and defendants' reply is due March 7, 2012. The motion and response shall be no longer than forty pages in length and the reply brief shall be no longer than

fifteen pages in length.

IT IS SO ORDERED.

Signed this 8th day of November, 2011.

  David R.
Herndon
2011.11.08
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**Chief Judge
United States District Court**