

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JASON JOSEPH KRON

CIVIL ACTION

VERSUS

NO. 11-2263

JAMES LEBLANC ET AL.

SECTION "C" (2)

**ORDER AND REASONS**

Before the Court is plaintiff's "emergency motion requesting for this United States District Court to grant plaintiff an extension of 21-30 days needed to file his opposition/motion to, and not to grant defendants' motion of invocation of qualified immunity, affirmative defenses and answer to plaintiff's complaint (Rec. Doc. 86)." Rec. Doc. 87. This motion from plaintiff is moot. The Court does not contemplate a response to an answer and will not grant defendants any relief based on their answer. Defendants' answer is not a motion. *See* Rule 7 of the Federal Rules of Civil Procedure.

The Court shall now proceed to the motion phase of the case. The dates for filing motions are determined by the Scheduling Order. Rec. Doc. 82. Motions for summary judgment, as explained in Rule 56 of the Federal Rules of Civil Procedure, motions to dismiss, and motions in limine regarding the admissibility of expert testimony, must be filed in time to permit hearing no later than October 23, 2013. To be on time, these motions must be filed no later than October 8, 2013. Discovery, which has begun now, and is governed by Rule 26 of the Federal Rules of Civil Procedure, shall be completed by October 22, 2013. Rec. Doc. 82.

Defendants have filed a motion to dismiss for failure to state a cause of action. Rec. Doc. 88. Plaintiff shall be granted additional time to respond to this motion considering the conditions he described in Rec. Doc. 86. He shall be given an additional 30 days to respond. Opposition shall be submitted by May 30, 2013. *See* Local Rule 7.5. The motion shall be heard on June 5, 2013.

Accordingly,

IT IS ORDERED that plaintiff's motion for extension of time to oppose defendants' motion of invocation of qualified immunity, affirmative defenses and answer to plaintiff's is DENIED as MOOT. Rec. Doc. 87.

IT IS FURTHER ORDERED that defendants' motion to dismiss for failure to state a cause of action is set for hearing on June 5, 2013. Any opposition to the motion from the plaintiff shall be submitted by May 30, 2013. Rec. Doc. 88.

New Orleans, Louisiana this 23rd day of April, 2013.

  
HELEN G. BERRIGAN  
UNITED STATES DISTRICT COURT