

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROBERT MCGLOTHLIN

CIVIL ACTION

VERSUS

NO. 08-729-JJB

THEKEN SPINE, LLC, ET AL.

NOTICE TO COUNSEL OF CONSOLIDATED BRIEFING SCHEDULE

Considering the motion (doc. 15) by Stryker for summary judgment filed on February 5, 2010; the motion (doc. 16) by plaintiff for extension of time filed on February 5, 2010; and the previously filed motion (doc. 13) by Theken under Rule 12(b)(6) filed on January 19, 2010;

As it has come to the court's attention that Theken's motion (doc. 13) incorporates matters outside of the complaint, the court elects to treat the motion (doc. 13) as one for summary judgment pursuant to Rule 12(d). The parties may present material pertinent to summary judgment in accordance with the following briefing schedule.

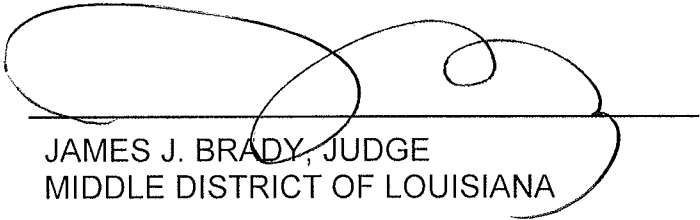
Theken shall supplement its motion (doc. 13) as appropriate for summary judgment on or before February 22, 2010.

Oppositions to Theken's motion and to Stryker's motion shall be filed on or before March 15, 2010.

Any and all reply briefs shall be filed on or before March 30, 2010.

The clerk's office shall terminate plaintiff's motion (doc. 16) for extension of time.

Baton Rouge, Louisiana, February 8, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA