## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,	)	
Plaintiff,	)	
V.	)	CIVIL ACTION
	)	NO. 06-11370-MLW
REED ELSEVIER INC. d/b/a	)	
Lexis Nexis Corporation,	)	
Lexis Nexis Accurint,	)	
	)	
Defendant.	)	

## ORDER ON PARTIES' MOTIONS

This matter is presently before the court on the following motions: (1) defendant's "Motion for Substitution of Seisint, Inc. for Defendant Reed Elsevier Inc. and to Dismiss the Complaint Against Reed Elsevier Inc." (Docket No. 4); (2) plaintiff's "Motion for a Summary Judgment" (Docket No. 11); (3) "Defendant's Motion to Stay the Filing of an Opposition to Plaintiff's Motion for Summary Judgment, or Alternatively, to Extend the Time to Respond to Plaintiff's Motion for Summary Judgment" (Docket No. 13); (4) "Defendant's Motion for Discovery Pursuant to Fed. R. Civ. P. 56(f)" (Docket No. 23); and (5) plaintiff's "Motion to Strike Attorney Affidavits of Henry Z. Horbacsewski and Christoper Donnelly as Appended to Defendant's Opposition to Plaintiff's Motion for a Summary Judgment' (Docket No. 28). After reviewing the parties' submissions and considering their arguments at a hearing on January 18, 2007, this court hereby ORDERS as follows:

1. The court rules as follows with respect to the parties' motions:

- The court has taken under advisement the defendant's motion to (a) substitute Seisint, Inc. for the named defendant and to dismiss the complaint against Reed Elsevier Inc.
- The parties agree that discovery is necessary before this court may (b) consider motions for summary judgment. Accordingly, as agreed by the plaintiff, the motion for summary judgment and related motion to strike attorney affidavits are WITHDRAWN WITHOUT PREJUDICE. The defendant's motion for discovery pursuant to Fed. R. Civ. P. 56(f) is ALLOWED.
- The defendant's motion to stay the filing of an opposition to the (c) motion for summary judgment is DENIED AS MOOT.
- 2. The parties shall complete all fact discovery by May 18, 2007.
- 3. The parties shall appear for a status conference on May 2, 2007 at 2:30 **p.m.** in Courtroom #15 on the 5<sup>th</sup> floor. At that time the parties shall be prepared to discuss:
  - the status of the case; (a)
  - scheduling for the remainder of the case through trial; (b)
  - the use of alternative dispute resolution ("ADR") programs; and (c)
  - consent to trial before the Magistrate Judge. (d)
- 4. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph 3 above. With respect to the use of ADR and having the matter tried by a Magistrate Judge, the parties shall indicate whether an agreement has been reached, but are not obligated to identify their respective positions.

/ s / Judith Gail Dein Judith Gail Dein United States Magistrate Judge

Dated: January 18, 2007