

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**KENSLEIGH NICOLE GANN, by and through
her mother and natural guardian,
Leigh Ann Gann**

PLAINTIFF

V.

CAUSE NO.: 1:09CV300-SA-JAD

**HOUSTON SCHOOL DISTRICT, SCHOOL ROCK
CAFÉ, d/b/a LASTING IMPRESSIONS, INC., a/k/a
TM, INC., and JOHN DOES 1-5**

DEFENDANTS

ORDER

Defendant Houston School District has filed a Motion to Dismiss [9] based on immunity provided under the Mississippi Tort Claims Act. Plaintiff has responded and requests discovery as to the issue of immunity.

After reviewing the motion, response, rules, and authorities, the Court agrees that a further factual development of the immunity issue may aid in the disposition of the Motion to Dismiss. Thus, the request for discovery as to the immunity issue is granted. The parties shall have ninety days within which to conduct immunity-related discovery. After that period has expired, Defendant School District may supplement its Motion to Dismiss by August 17. Plaintiff may respond to that supplementation by August 31, 2010. If Defendant chooses to reply, that response will be due September 7, 2010.

SO ORDERED, this the 12th day of May, 2010.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE