UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JOHN TIMOTHY MALADY,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	**Case No. 1:13-CV-80 SNLJ**
	)	
CORIZON, et al,	)	
	)	
Defendant(s).	)	

MEMORANDUM and ORDER

This matter is before the Court on plaintiff's Response to Defendants' Objections and Responses to Plaintiff's First Request for Production of Documents (#43) and plaintiff's Request for Declaratory Judgment (#44).

The Court did not enter a Case Management Order in this matter until October 30, 2013. Because discovery could not take place until entry of that order, this Court denied plaintiff's earlier Motion to Compel as moot. Plaintiff's "Response to Defendants' Objections and Responses to Plaintiff's First Request for Production of Documents," which seeks an order compelling production of documents and which was dated October 28, 2013, was therefore premature and will also be denied as moot.

Plaintiff, in his "Request for Declaratory Judgment," appears to respond to the defendants' invocation of the statute of limitations in their Answer to the Complaint. He says that the affirmative defense of the statute of limitations is improper because he believes he suffers from a "continuing wrong." Thus he requests that the Court order that plaintiff may bring all evidence pertaining to his claim regardless of time period and deny the statute of limitations defense. Plaintiff's arguments as to the statute of limitations will be more properly made during

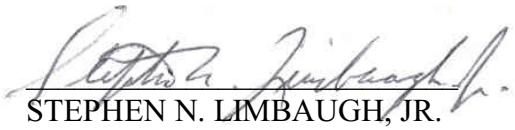
briefing on summary judgment in this matter. At this time, dispositive motions such as motions for summary judgment are not due until March 28, 2014. As a result, the Court will deny plaintiff's request.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Response to Defendants' Objections and Responses to Plaintiff's First Request for Production of Documents (#43) is **DENIED** as moot.

IT IS FURTHER ORDERED that plaintiff's Request for Declaratory Judgment (#44) is **DENIED**.

Dated this 26th day of December, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE