

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)
)
Plaintiff,)
)
AVIS MEYER,)
)
Defendant.)

Case No. 4:07CV1733 CEJ

DEFENDANT’S UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL DATE

COMES NOW Defendant Avis Meyer (hereinafter “Defendant”), by and through its counsel, moves this Honorable Court for a continuance of the trial date for one week or in the alternative for a continuance of the trial date based on the Court’s trial schedule. In support of this Motion, the Defendant states as follows:

1. Under the current Orders of the Court, the trial date is set for Tuesday, January 20, 2009.
2. On January 12, 2009, Defendant informed his counsel that on January 11, 2009, the Defendant’s father passed away in Cape Girardeau, Missouri.
3. During the week prior to the set trial date, Defendant will be coordinating and attending funeral arrangements and other family obligations.
4. On January 12, 2009, counsel for Defendant communicated with counsel for Plaintiff on this continuance request and Plaintiff does not object to this request. Further on January 12, 2009, counsel for Plaintiff and counsel for Defendant communicated with the Court clerk regarding scheduling a new trial date. Based on the current Court’s trial schedule, the Court’s clerk noted possible trial openings for the week of February 9, 2009 or for the week

March 2, 2009. For these two weeks, Plaintiff's witnesses are generally available except on Fridays of those weeks.

5. Defendant therefore requests that the Court further amend the scheduling order to continue the trial date to January 27, 2009 or in the alternative until the week of February 9, 2009 or the week of March 2, 2009.

6. Defendant does not make the instant Motion for any improper purpose.

WHEREFORE, Defendant moves this Honorable Court to grant its Motion to amend the scheduling order to continue the trial date to January 27, 2009 or in the alternative until the week of February 9, 2009 or the week of March 2, 2009, and for such other and further relief as the Court deems just under the circumstances.

Respectfully submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2009, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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