

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

JESSE L. MORGAN,)
)
 Plaintiff,)
)
 vs.)
)
 THE VOGLER LAW FIRM, P.C., et al.,)
)
 Defendants,)
)
)
 Case No. 4:15-CV-1654 SNLJ

MEMORANDUM and ORDER

On plaintiff's motion, on May 2, 2017 this Court ordered this matter stayed pending resolution of the bankruptcy trustee's motion to re-open plaintiff's bankruptcy case. That motion to re-open has been withdrawn, so plaintiff has moved to lift the stay (#68). Defendant Ronald Reynolds has responded and seeks an order striking what he states is an "ad hominem slanderous attack on the Defendants and their attorney[s]." (#69 at 1.) Although the Federal Rules of Civil Procedure allow for the striking of a pleading, plaintiff's motion to lift stay is not a pleading. See Fed. R. Civ. P. 12(f), Fed. R. Civ. P. 7(a); see also *Coleman v. City of Pagedale*, No. 4:06CV1376 ERW, 2008 WL 161897, at *4 (E.D.Mo. Jan. 15, 2008). The Court declines defendant Reynolds's invitation, but the plaintiff's motion to lift stay will be granted.

The Court notes that, at the time this matter was stayed, several motions were pending and in the process of being briefed. The Court will permit defendants seven days from the date of this order to respond to plaintiff's motion for attorneys' fees (#52),

motions for summary judgment against the defendants (#54, #57, #60, #63) and motion for sanctions (#66).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to lift stay (#68) is GRANTED.

IT IS FURTHER ORDERED that defendants shall have seven days from the date of this Order in which to respond to the pending motions (#52, #54, #57, #60, #63, and #66).

Dated this 28th day of June, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT