

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

D.G., a minor, by and through his	)	
Parents and Legal Guardians, W.G. and J.G.,)	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 10-6091-CV-SJ-SOW
	)	
LATHROP R-II SCHOOL DISTRICT,	)	
	)	
Defendant.	)	

**AMENDED ORDER**

The Court’s previous Order of June 3, 2011 (Doc. #44) incorrectly stated the deadline for Lathrop R-II School District to file its response in opposition to the pending Motion for an Extension of Time (*see* Doc. #43). This Amended Order correctly reflects the deadline for Lathrop R-II School District’s response in opposition.

Before the Court is William Gray’s, Joyce Gray’s, and Stephen Walker’s Motion for an Extension of Time Within Which to Respond to the School’s Motion for Summary Judgment Re: Counterclaim (Doc. #43). The Court would like Lathrop R-II School District to respond to the request for additional time. The Court directs Lathrop R-II School District to specifically address the following issues: (1) whether its claim against William Gray, Joyce Gray, and Stephen Walker is a crossclaim or a counterclaim<sup>1</sup> and (2) why William Gray, Joyce Gray, and Stephen Walker

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Although Lathrop R-II School District’s Answer contains a “Counterclaim” (*see* Doc. #5), there is no mention therein of a “crossclaim” against William Gray, Joyce Gray, or Stephen Walker. Yet Lathrop R-II School District has moved for summary judgment on a counterclaim *and* a crossclaim in its motion for summary judgment, entitled “Counterclaim/Crossclaim Plaintiff Lathrop R-II School District’s Motion for Summary Judgment on Counterclaim and Crossclaim” (*see* Doc. #26). Lathrop R-II School District needs to explain this inconsistency.

should not be given an opportunity to conduct discovery on Lathrop R-II School District's claim against them before responding to the pending motion for summary judgment (*see* Doc. #26).

Accordingly, it is hereby

ORDERED that Lathrop R-II School District file its response in opposition to William Gray's, Joyce Gray's, and Stephen Walker's pending Motion for Extension of Time (*see* Doc. #43) on or before Wednesday, June 8, 2011.

/s/ Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

DATED: June 3, 2011