[Docket No. 99]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLIFFORD J. LEVINE,	:
Plaintiff,	: Civil No. 07-1614 (RMB)
v.	:
	: **OPINION AND ORDER**
VOORHEES BOARD OF EDUCATION, et al.,	:
Defendants.	:

APPEARANCES:

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BUMB, United States District Judge

This matter comes before the Court upon the Plaintiff's
renewed motion (styled as a motion for summary judgment) [Docket
No. 99] to strike the defendants' affirmative answers for lack of
evidence. The Court denied the Plaintiff's earlier motion on the
grounds that discovery had not yet been completed. [Docket No.
38]. Inexplicably, Plaintiff has pressed his renewed motion even

though discovery has not yet been completed. [See Docket No. 109].

Accordingly, because discovery has not yet concluded, the Plaintiff's motion is denied. Additionally, the Court notes that Plaintiff has indicated that he seeks an order dismissing the affirmative defenses "so that the parties can concentrate on the more substitive (sic) issues in this case." Pltf's Mtn., at 1. Yet, there is no evidence that the pleading of the affirmative defenses in this case has caused unnecessary delay. The Court holds, however, that upon completion of discovery, the parties shall confer with each other for the purpose of determining whether an agreement can be reached as to the applicability of any affirmative defenses. This approach appears to be the most productive. No further motion to strike affirmative defenses shall be filed unless a party certifies that the foregoing conference has occurred and the parties could not reach an agreement.

Date: January 22, 2009   s/Renée Marie Bumb
                                          RENÉE MARIE BUMB
                                          United States District Judge