

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAREN BYRD	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	
DANIEL W. JOHNSTON and DAN JOHNSTON, INC.	:	NO. 07-2963
Defendants.	:	

ORDER

AND NOW, this 29th day of May, 2009, upon consideration of Plaintiff Karen Byrd's Motion for Summary Judgment (Document No. 43, filed February 19, 2009); and a document filed by *pro se* defendant Daniel W. Johnston entitled "First Set of Interrogatories" with his answers and supporting exhibits (Document No. 47, filed May 8, 2009), **IT IS ORDERED** that Plaintiff Karen Byrd's Motion for Summary Judgment is **DENIED**.

IT IS FURTHER ORDERED that the parties shall jointly report to the Court (letter to Chambers, Room 12613) on or before June 15, 2009, with respect to whether the case is settled. In the event that the case is not settled on or before June 15, 2009, the parties shall include in their joint report a statement as to whether they believe a settlement conference before a magistrate judge or mediation under Local Civil Rule 53.3 might be of assistance in resolving the case and, if so, on what form of alternative dispute resolution they agree and by what date they will be prepared to begin such proceedings.

IT IS FURTHER ORDERED that, excepting only as noted above, all further proceedings shall be governed by the Scheduling Order of November 19, 2008.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.