

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Deloris Blakely, as Personal Representative)
of the Estate of Lori Jean Ellis,)

C/A No.: 3:10-cv-707-JFA

Plaintiff,)

vs.)

ORDER FOR CONTINUANCE

Kershaw County Sheriff's Office; Steven D.)
McCaskill in his capacity as Sheriff of)
Kershaw County; Tyrell Coleman; William)
Sowell; South Carolina Department of)
Natural Resources; John E. Frampton, in his)
capacity as the Director of Natural)
Resources; and Gregg Lowery,)

Defendants.)

_____)

Shortly before jury selection in this case, the plaintiff's counsel communicated with this court by telephone to suggest that due to a conflict with another trial scheduled in another district, it would be desirable to postpone the trial in this case. The court communicated with defense counsel who indicated that, although they did not necessarily agree with a continuance, they would not strongly oppose it. Defense counsel did indicate, however, that they had expended resources in investigating the jury and making other preparations for the trial of this case.

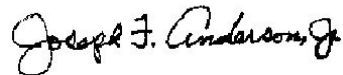
Out of an abundance of caution, the court will transfer this case to the January/February 2013 term of court, with jury selection on January 8, 2013.

Defense counsel are requested to provide the court an itemization of expenses they have incurred in preparation for the aborted jury selection and trial, and the court reserves the right to impose these costs against the plaintiff because of the continuance.

The court notes that under the original scheduling order in this case, the trial was scheduled for December 2010. There have been a total of seven amended scheduling orders in this case. As such, the court will not entertain any further attempts to delay the trial of this case.

IT IS SO ORDERED.

October 18, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge