UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

JACK BUTTURINI, et al.,)
Plaintiffs,)
v.)) No. 3:08-CV-128) (Phillips)
BRIAN BLAKNEY, et al.,) (Fillips)
Defendants.	,

ORDER

This matter is before the court on the defendants' motion to stay proceedings [Doc. 32]. In support of the motion, defendants state that defendant Brian Blakney is a service member of the United States Army and has been called to active duty for deployment to Iraq. Defendant Blakney is summoned to active duty effective December 2, 2009 and is not expected to return until sometime in December 2010.

The Soldiers' and Sailors' Relief Act of 1940, 50 App. U.S.C. § 501 *et seq.* allows a stay of proceedings for service members on active duty when their ability to defendant themselves is materially affected by their military service. In this case, Blakney's military service precludes his participation in the court proceedings until he returns from active duty. Accordingly, the court finds defendants' motion well taken and it is **ORDERED**

that this matter is **STAYED** until such time as defendant Blakney returns from active duty to allow him to properly defend this litigation.

The final pretrial conference scheduled for February 17, 2010, and the trial scheduled for February 23, 2010 are **CANCELLED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge