

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

A. O. SMITH CORP., et al.,)	
)	
Plaintiffs,)	
)	
)	
vs.)	CASE NO. 3:12-0429
)	JUDGE CAMPBELL/KNOWLES
)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INITIAL CASE MANAGEMENT ORDER

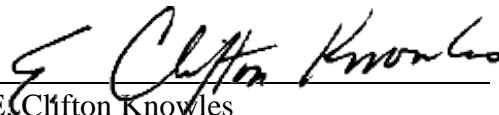
The Court held an Initial Case Management Conference in this action on August 3, 2012. The parties submitted a proposed Initial Case Management Order, which set out their theories. Docket No. 22, p. 2-3. As the parties' proposed Order noted, there was a pending Motion filed by Defendant for an extension of time to December 2, 2012, within which to respond to the Complaint. The parties further stated that, in anticipation of Defendant's filing a Motion to Dismiss, the parties were unable to suggest realistic dates for the typical filings and deadlines that are usually addressed in an Initial Case Management Order.

The Court has now ruled on Defendant's Motion, granting Defendant an extension of time to October 2, 2012, in which to respond to the Complaint. Docket No. 23. As is discussed in that Order, Defendant anticipates filing a "comprehensive" Motion to dismiss this action, based at least in part upon the sovereign immunity of the United States. The parties agree that, because this defense implicates the Court's jurisdiction, that issue should be addressed early in the litigation, prior to the setting of other deadlines.

Under the circumstances, the Court is in agreement with the parties. The Court has granted Defendant additional time, to and including October 2, 2012, in which to file its Response to the Complaint, which will be in the form of a pre-answer motion to dismiss. Plaintiffs shall respond the Motion within sixty (60) days of the filing of the Motion. Defendant may file a Reply to the Response, within thirty (30) days of the filing of the Response.

Following the Court's ruling on the Motion, the Court will set another Case Management Conference to discuss the progression of the case.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge