

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

ROBERT L. DELK )  
 )  
v. ) NO. 3-13-0758  
 ) JUDGE CAMPBELL  
SUPERIOR OFFICE SERVICES, INC. )

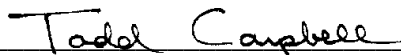
ORDER

Pending before the Court is Defendant’s Motion for Summary Judgment (Docket No. 17), to which Plaintiff has filed a Response (Docket No. 24) in opposition.

Plaintiff contends that he has not been allowed to take discovery on the subject of Defendant’s Motion, specifically whether Defendant is an “employer” under the Americans with Disabilities Act. Plaintiff is entitled to complete discovery on this issue before being required to respond to what Plaintiff characterizes as a “new” issue.

Pursuant to Fed. R. Civ. P. 56(d), the Court finds that Defendant’s Motion (Docket No. 17) should be and is DENIED without prejudice to being re-filed once discovery in this matter is complete. The case is referred to the Magistrate Judge to set a schedule for this additional discovery and for any other discovery matters.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE