

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

<p>LESTER JON RUSTON,  Plaintiff,  vs.  CHURCH OF JESUS CHRIST OF LATTER- DAY SAINTS, et al.,  Defendants.</p>	<p><b>ORDER DENYING EMERGENCY MOTION TO COMPEL RELIEF</b></p> <p>Case No: 2:06-CV-526 DB  District Judge Dee Benson  Magistrate Judge David Nuffer</p>
--	--

Plaintiff Lester Jon Ruston has filed a motion entitled “Emergency Motion to Compel Relief.”<sup>1</sup> Although it is difficult to discern what Ruston seeks by this motion, the court construes it as a motion to compel production of certain documents.

Ruston’s motion must be denied because it is premature. The discovery phase of this litigation has not yet begun. Ruston’s motion was filed before defendants had an opportunity to respond to the complaint. Defendants have filed a motion to dismiss<sup>2</sup> which is presently pending. If defendants’ motion is decided in Ruston’s favor, after an answer is filed, the court will then enter an order allowing discovery to proceed.

Discovery shall not be conducted before defendants’ motion is resolved. At the appropriate time, the court will enter a scheduling order pursuant to Rule 16 of the Federal Rules

---

<sup>1</sup>Emergency Motion to Compel Relief (“Motion”), Docket no. 4, filed July, 13, 2006.

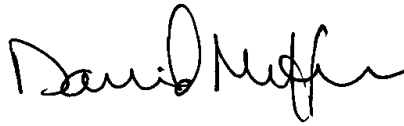
<sup>2</sup>Motion to Dismiss, Docket no. 11, filed November 15, 2006.

of Civil Procedure setting the time to complete discovery and other phases of the litigation.

Ruston's Emergency Motion to Compel Relief<sup>3</sup> is DENIED.

February 21, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer". The signature is written in a cursive, flowing style.

---

David Nuffer  
U.S. Magistrate Judge

---

<sup>3</sup>Docket no. 4, filed July 13, 2006.