

TERESA RHOADES and MICHAEL
RHOADES as parents and next friends of
CHELSEA RHOADES, a minor,

Plaintiffs,

v.

PENN-HARRIS-MADISON SCHOOL
CORPORATION, DAVID R. TYDGATE,
DAVID RISNER, STEVEN HOPE, VICKIE
MARSHALL, MARNI CRONK, and
MADISON CENTER, INC.,

Defendants.

Cause No. 3:05-CV-00586

PLAINTIFFS' FED. R. CIV. P. 56(f) MOTION

COME NOW the Plaintiffs, Teresa Rhoades, Michael Rhoades, and Chelsea Rhoades, by and through the undersigned counsel, and move pursuant to Fed. R. Civ. P. 56(f), that this Court refuse the application for summary judgment made by Defendants Penn-Harris-Madison School Corporation, David R. Tydgate, David Risner, Steven Hope, Vickie Marshall, and Marni Cronk (the "School Defendants"), or continue and delay a decision on said motion until the Plaintiffs have had an opportunity to conduct discovery in this matter and obtain facts that may be necessary to oppose the motion. An affidavit supporting this motion is attached hereto.

As grounds for this motion, the Plaintiffs allege and aver that the School Defendants' summary judgment motion was filed before any discovery has been scheduled or conducted in this case. In support of that motion, the School Defendants have asserted (1) that they were not involved in the acts or conduct that contributed or caused the constitutional deprivations and (2) that administration of the TeenScreen to students was voluntary. Information that may be

agents and employees and discovery by the Plaintiffs is required to obtain any necessary
information on these issue.

WHEREFORE, the Plaintiffs respectfully request that the motion to refuse, delay, and/or
continue the School Defendants' application for summary judgment be granted.

DATED this 22nd day of March, 2006.

Respectfully submitted,

JOHN R. PRICE & ASSOCIATES

s/John R. Price _____

John R. Price,
Counsel for Plaintiffs

PARTICIPATING ATTORNEY FOR
THE RUTHERFORD INSTITUTE

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2006, a copy of the foregoing *Plaintiff's Fed. R. Civ. P. 56(f) Motion* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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s/John R. Price
John R. Price, Counsel for Plaintiffs