

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

| | | |
|---------------------------------|---|---------------------------|
| TERESA RHOADES, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CAUSE NO. 3:05-CV-586 JTM |
| |) | |
| PENN-HARRIS-MADISON SCHOOL |) | |
| CORPORATION, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiffs filed their complaint on September 16, 2005, and on October 27, 2005, Defendant Madison Center, Inc. filed a motion to dismiss. This Court conducted a Fed. R. Civ. P. 16(b) interim preliminary pretrial conference on February 6, 2006, at which time the school corporation Defendants informed this Court that they too anticipated filing a motion to dismiss. Based upon the parties' agreement, this Court stayed all discovery in this case pending a ruling on the first motion to dismiss and the anticipated motion to dismiss.

On February 21, 2006, the school corporation Defendants filed a motion for summary judgment, not a motion to dismiss. On March 22, 2006, Plaintiffs filed their response to Defendants' motion for summary judgment, but also filed a motion for an extension of time to complete to discovery in order to respond to the motion for summary judgment pursuant to Fed. R. Civ. P. 56(f). It appears that the Plaintiffs are requesting that this Court lift the stay and allow the parties to conduct discovery. This matter is now set for a telephonic status conference on **April 26, 2006, at 10:30 a.m. (E.D.T.)** for the purpose of addressing Plaintiffs' motion. The court will initiate the call. If at the time of the

conference counsel will not be at the phone number listed on the docket sheet, counsel should notify court personnel at (574)246-8100 of the number at which they can be reached.

SO ORDERED.

Dated this 18th Day of April, 2006.

s/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge