

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**

On February 6, 2006, this Court conducted an interim preliminary pretrial conference. At that time, the Madison Center’s motion to dismiss was pending and the school Defendants anticipated filing a motion to dismiss. As a result, by the agreement of the parties, this Court stayed all discovery in this matter pending a ruling on the motions to dismiss. On February 21, 2006, the school Defendants filed a motion for summary judgment. On March 22, 2006, Plaintiffs filed a response to the motion for summary judgment and also filed a motion for an extension of time to complete discovery pursuant to Fed. R. Civ. P. 56(f). This Court conducted a telephonic hearing on Plaintiffs’ motion on April 26, 2006.

At the hearing, no one objected to lifting the stay of discovery and as a result, the stay of discovery is now lifted and Plaintiff’s Rule 56(f) motion [Doc. No. 30] is **GRANTED**. The parties may now conduct discovery relevant to addressing the school Defendants’ motion for summary judgment. Upon the conclusion of discovery, the parties may either withdraw the current motion for summary judgment and file a new motion that contains the evidence produced in discovery, or the parties may file supplemental briefs. In light of this Court’s ruling, the

school Defendants are relieved of their obligation to file a reply by May 6, 2006, and may wait until after the parties have completed their relevant discovery.

Parties also advised this Court that the Madison Center's motion to dismiss is now ripe and that the parties wished a ruling upon that motion before engaging in extensive litigation and completing the briefing on the motion for summary judgment. Because the motion to dismiss may impact the scope of this litigation, this Court will not set a deadline for the close of discovery or a revised briefing schedule for the motion for summary judgment at this time. Rather, after the court issues a ruling on the motion to dismiss, this Court will set this matter for a telephonic status conference at which time it will address the discovery deadline and briefing schedule.

**SO ORDERED.**

Dated this 27th Day of April, 2006.

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