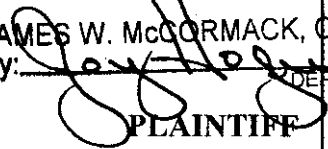


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 23 2004

JAMES W. McCORMACK, CLERK
By:  DEPT. CLERK

MICHAEL GALSTER

PLAINTIFF

VS.

CASE NO. 4:03-CV-01013 GTE

KELLY DUDA

DEFENDANT/COUNTER-CLAIMANT

ORDER CONTINUING CASE

The Court today conducted a telephone conference with counsel for both parties to discuss two motions filed by Defendant Kelly Duda -- a Renewed Motion for Continuance and a Motion for Release of Litigation Materials. For the reasons stated on the record during the conference,

IT IS HEREBY ORDERED THAT Defendants' Renewed Motion for Continuance (Docket No. 45) be, and it is hereby, GRANTED. The case is hereby rescheduled for trial the week of April 11, 2005. A new Scheduling Order will issue separately. Both attorneys committed to this trial date. The Defendant, in particular, agreed that this new trial date, with a new discovery cut-off of January 27, 2005, would allow sufficient time to complete remaining discovery. The Court does not intend to continue this case again and urges the parties to prepare diligently for trial.

IT IS FURTHER ORDERED THAT Defendants' Motion for Release of Litigation Materials (Docket No. 44) be, and it is hereby, GRANTED IN PART and DENIED IN PART.

The litigation materials shall remain with Mr. Smith at this time and shall not be transferred to the proposed third-party custodian, AV Arkansas. The attorneys shall confer with Mr. Smith in the near future for the purpose of inventorying and cataloguing the materials. Thereafter, items may be checked out as needed by counsel for the purpose of trial preparation, provided that any items removed shall be kept in the custody of counsel. At no time shall either party have sole custody or unsupervised access to the materials. In the event that further modifications are needed, the parties may request same by submitting a consent order or motion.

IT IS SO ORDERED this 23rd day of November, 2004.

Anneth Thomas Eide
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 11-23-04 BY *Joy*

jh

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

November 23, 2004

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:03-cv-01013.

True and correct copies of the attached were mailed by the clerk to the following:

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Little Rock, AR 72203-0217

press, post

Date: 11/23/04

James W. McCormack, Clerk

BY:

