

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JACQUELINE GRAY, et al.,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. 4:07CV00881 ERW
	)	
CITY OF VALLEY PARK, MISSOURI,	)	
	)	
Defendant(s).	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiffs’ Motion for Leave to Take More Than Ten Depositions [doc. #88], Plaintiffs’ Motion for Continuance Pursuant to Rule 56(f) [doc. #90], Plaintiffs’ Motion to Stay and for Expedited Briefing and Decision [doc. #95], and Defendant’s Motion to Quash Notice and Subpoena of City Attorney [doc. #107].

The Court held a hearing on the above matters on this date, and issues the following ruling. Plaintiffs’ Motion for Leave to Take More than Ten Depositions is granted. Plaintiffs may depose the board of alderman and the mayor, in addition to the two depositions already completed. Each of these depositions is to last no more than three hours. The Plaintiffs will have two hours to depose, and the Defendant will have one hour in response for each deponent. Plaintiffs are not permitted to depose the City Attorney Eric Martin, who is also counsel of record in this case; Defendant’s Motion to Quash Notice and Subpoena of Eric Martin is therefore granted. In the alternative, Plaintiffs shall prepare no more than ten interrogatories to be served on Defendant no later than 2:00 p.m. on this date. Defendant shall respond to these interrogatories no later than 5:00 p.m. on Tuesday, October 9, 2007. If there are any issues

remaining, following the completion of the interrogatories, either party may file a request for a status conference with this Court, no later than 5:00 p.m. on Tuesday, October 9, 2007, and the Court will schedule a status conference for Wednesday, October 10, 2007.

Plaintiffs' Motion for a Continuance Pursuant to Rule 56(f) is granted. The Court will allow the completion of fact discovery, as provided herein, and supplemental briefing, and will then set the pending motions for summary judgment for a hearing. The Court notes that the previous order, requiring all expert discovery to be completed by November 2, 2007, is vacated. Expert discovery will not go forward until this Court has ruled on the pending Summary Judgment Motions. The Parties shall complete the depositions of the Board of Alderman and Mayor, no later than Monday October 22, 2007. The Parties are to work cooperatively to complete the remaining depositions in a cooperative manner. The Court further orders that any supplemental briefing shall be submitted no later than October 26, 2007. No responses to the supplemental briefing shall be permitted. The Court shall set the matter for a hearing, within three weeks of the completion of all briefing. The parties may advise the Court of any dates, within that three week period, which they are unavailable. The Court further notes that all subsequent deadlines established by this Court are to be strictly followed.

Plaintiffs' Motion to Stay is denied. The Court will not further delay the proceeding of this case pending the outcome of the state court matter.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Leave to Take More Than Ten Depositions [doc. #88] is **GRANTED in part** and **DENIED in part**. Plaintiffs may take the nine additional depositions requested before this Court. These depositions are to be completed no

later than October 22, 2007, in accordance with the terms of this order. Plaintiffs may not take the deposition of City Attorney Eric Martin.

**IT IS FURTHER ORDERED** that any supplemental briefing on the pending motions for summary judgment is due no later than October 26, 2007. No responsive briefs shall be permitted.

**IT IS FURTHER ORDERED** that Plaintiffs' Motion for Continuance Pursuant to Rule 56(f) [doc. #90] is **GRANTED**. The Court will reserve ruling on Defendants' Motion for Summary Judgment [doc. #53] and Plaintiffs' Motion for Summary Judgment [doc. #73], pending the completion of fact discovery as provided in this order.

**IT IS FURTHER ORDERED** that Plaintiffs' Motion to Stay and for Expedited Briefing and Decision [doc. #95] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Quash Notice and Subpoena of City Attorney [doc. #107] is **GRANTED**.

**IT IS FURTHER ORDERED** that this Court's August 15, 2007 order is **VACATED**.

Dated this 5th Day of October, 2007.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE