

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**THOMAS C. McINTOSH and
PAMELA McINTOSH**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:06cv1080-LTS-RHW

**STATE FARM FIRE AND CASUALTY
INSURANCE COMPANY, *et al.***

DEFENDANTS

**ORDER DENYING MOTION FOR LEAVE TO FILE
A MOTION FOR SUMMARY JUDGMENT**

Before the Court is [1249], State Farm's August 7, 2008 motion for leave to file a motion for summary judgment. Asserting there have been "a number of significant legal and factual developments" which warrant granting such leave; that "ample time is available for briefing and ruling on the motion; and that granting leave would comport with the Rule 56 objective of isolating and disposing of factually unsupported claims, State Farm asks the Court to grant it seven days after completion of the Rigsbys and Scruggs depositions to file a motion for summary judgment. The docket reflects that the Rigsby depositions are noticed for September 3, 2008 [1269 and 1270], and the Court has this date denied State Farm's motions to compel further testimony from Richard and Zach Scruggs.

Plaintiffs filed no response to the motion presently before the Court. However, the deadline for dispositive motions, November 9, 2007, expired over nine months ago. The pretrial conference in this case is scheduled for September 8, 2008, and the case is set for trial on the October 6, 2008 calendar. The Court declines to grant leave to file a summary judgment motion less than a month before the scheduled trial. It is therefore,

ORDERED, that the motion for leave to file motion for summary judgment is denied,
this the 27th day of August, 2008.

/s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE