

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

**HENRY KUEHN and
JUNE P. KUEHN**

PLAINTIFFS

VS.

CAUSE NUMBER:1:08CV577-LTS-RHW

**STATE FARM FIRE AND CASUALTY
COMPANY and JOHN DOES 1 THROUGH 10**

DEFENDANTS

**MOTION TO EXTEND DEADLINES PREVIOUSLY SET FOR COMPLETING
DISCOVERY LIMITED TO WHETHER THE APPRAISAL AWARD IN THE
UNDERLYING MATTER IS VALID**

Comes now the Defendant, State Farm Fire and Casualty Company and moves the Court to extend deadlines previously set in this matter. Initially the Court allowed discovery to proceed as to the appraisal issue only through February 9, 2009, with motions as to the appraisal issue to be filed no later than March 2, 2009 (Minute Entry entered on December 12, 2008).

The Court subsequently entered an Order on Motion for Clarification on January 5, 2009, reflecting that the earlier Minute Entry should be amended to remove any language indicating that the parties agree to bifurcation with separate scheduling deadlines for discovery and motions on the issues regarding the appraisal (DE 15).

The Court thereafter entered a Text Only Order on February 4, 2009, extending the discovery deadline on the appraisal issue to February 27, 2009, and setting a new motion deadline of March 12, 2009. Following that Order the parties proceeded to take depositions regarding the appraisal issue. During the deposition of John Minor an issue was raised by counsel for the Plaintiffs, which

subsequently resulted in the filing of a Motion to Disqualify current counsel for State Farm Fire and Casualty Company (see DE 36).

As a result of the filing of the Motion to Disqualify, State Farm has requested undersigned counsel enter an appearance in this matter in order to complete discovery and motion practice on the appraisal issue. That undersigned counsel has numerous conflicts that make it impossible to complete the discovery contemplated by the parties within the current deadlines as set by the Court. The Defendant requests that the Court enter an Order extending the deadline for completing discovery on the appraisal issue to March 31, 2009, and extending the deadline for filing motions relating to the appraisal issue to April 14, 2009. Undersigned counsel has conferred with counsel for the Plaintiff and represents to the Court that the Plaintiff does not object to the extension requested.

Respectfully submitted,

BRYAN, NELSON, SCHROEDER,
CASTIGLIOLA & BANAHAN, PLLC
Attorneys for Defendant
STATE FARM FIRE AND CASUALTY COMPANY

BY: */s/ John A. Banahan* _____
JOHN A. BANAHAN

CERTIFICATE OF SERVICE

_____, **JOHN A. BANAHAH**, one of the attorneys for the Defendant, **STATE FARM FIRE AND CASUALTY COMPANY**, do hereby certify that I have this date electronically filed the foregoing Motion to Extend Deadlines with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED, this the 12th day of February, 2009.

/s/ John A. Banahan

JOHN A. BANAHAH

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