

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**INDIA LYNCH, by her parent, )  
SHAWN KING LYNCH, et al., )  
individually and on behalf of )  
others similarly situated, )**

**Plaintiffs, )**

**vs. )**

**Civil Action No. 08-S-450-NE**

**THE STATE OF ALABAMA; )  
BOB RILEY, in his official )  
capacity as Governor of the State )  
of Alabama; and TIM RUSSELL, )  
in his official capacity as )  
Commissioner of Revenue for the )  
State of Alabama; )**

**Defendants. )**

**ORDER**

This action is before the court on the following motions: (1) plaintiffs’ motion for summary judgment;<sup>1</sup> (2) defendants’ motion to strike;<sup>2</sup> (3) defendants’ motion for denial of plaintiffs’ motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(f);<sup>3</sup> and (4) defendants’ motion for leave to file an additional response to plaintiffs’ motion for summary judgment.<sup>4</sup> Upon consideration of the pleadings,

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<sup>1</sup>Doc. no. 10.

<sup>2</sup>Doc. no. 40.

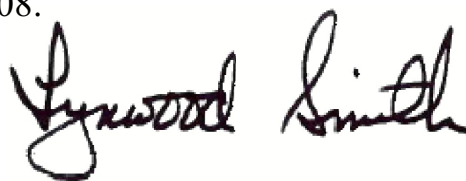
<sup>3</sup>Doc. no. 45.

<sup>4</sup>Doc. no. 52.

briefs, and oral arguments of counsel, defendants' motion pursuant to Federal Rule of Civil Procedure 56(f) is GRANTED. Plaintiffs' motion for summary judgment is DENIED, but without prejudice to plaintiffs' right to refile the motion after the completion of discovery. Defendants' motion to strike and motion for leave to file an additional response are DENIED as moot.

Plaintiffs shall serve Requests for Admissions no later than January 9, 2006, and shall file a copy of the Requests for Admissions with the court. Defendants shall respond to plaintiffs' Requests for Admissions within twenty-one (21) days of service by plaintiffs, and shall file a copy of their responses with the court. Defendants, remaining ever mindful of the requirements of Federal Rule of Civil Procedure 11(b), may object to the relevance of any Request for Admission, but defendants must, nonetheless, also admit or deny the request. The parties shall conduct the discovery planning conference contemplated by Federal Rule of Civil Procedure 26(f) within ten (10) days of defendants' service of their responses to plaintiffs' Requests for Admissions, and file a report of the parties planning conference within seven (7) days thereafter.

DONE this 15th day of December, 2008.

A handwritten signature in black ink, appearing to read "Lynwood Smith". The signature is written in a cursive, flowing style.

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United States District Judge