

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JUST RETAIL SERVICES, INC.,

Plaintiff,

v.

CASE NO. 8:18-cv-827-T-26TGW

NATIONAL STORES, INC.,

Defendant.

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ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of this case, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion for Final Summary Judgment (Dkt. 13), filed prior to the Court's entry of a case management and scheduling order which will establish time lines for the completion of discovery and the filing of motions for summary judgment, is denied as premature. As the Advisory Committee Notes to the 2010 amendment to Federal Rule of Civil Procedure 56(b) state, "[s]cheduling orders of other pretrial orders can regulate timing to fit the needs of the case." Furthermore, as the Eleventh Circuit Court of Appeals has observed, "[t]he law of this circuit is clear: the party opposing a motion for summary judgment should be permitted an adequate opportunity to complete discovery prior to consideration of the motion." Jones v. City of Columbus, Ga., 120 F.3d 248, 253 (11th Cir. 1997) (citations

omitted). Plaintiff may refile its motion for summary judgment consistent with the time lines to be established in the Court's forthcoming scheduling order.

DONE AND ORDERED at Tampa, Florida, on June 1, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record