

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JAMES M. PHILLIPS,

Plaintiff,

v.

Civil Action No. 5:07CV33  
(STAMP)

A&B EXTREME, INC. d/b/a XTREME SUZUKI,

Defendant and  
Third-Party Plaintiff,

v.

AMERICAN SUZUKI MOTOR CORPORATION,

Third-Party Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART  
THIRD-PARTY DEFENDANT'S MOTION FOR CONTINUANCE  
OF STATUS AND SCHEDULING CONFERENCE AND  
VACATING CONFERENCE SCHEDULED FOR AUGUST 16, 2007**

On August 14, 2007, third-party defendant, American Suzuki Motor Corporation filed a motion for continuance of the status and scheduling conference and requested that the conference be held on September 25, 2007. This Court finds it would be beneficial to vacate the status and scheduling conference scheduled to be held on August 16, 2007. However, this Court finds that it must deny the motion for continuance of the status and scheduling conference in part because this Court feels that a hearing to resolve the scheduling order deadlines should be set before September 25, 2007. Accordingly, the third-party defendant's motion is GRANTED IN PART and DENIED IN PART and the conference scheduled for August 16, 2007 is hereby VACATED.

It is ORDERED that the counsel for the third-party defendant shall meet and confer with opposing counsel for all other parties and agree upon three alternative dates and file a pleading and/or letter including the proposed alternative dates on or before **August 22, 2007**.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 15, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE