

[Doc. No. 129]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WALTER BENNETT, et al.,

Plaintiffs,

v.

SPECTRUM HEALTHCARE, et al.,

Defendants.

Civil No. 02-4993 (NLH)

ORDER

This matter having come before the Court upon the motion [No. 129] of Plaintiffs, seeking an order to strike Defendants' objections to Plaintiffs' second request for documents and to compel Defendants to respond to Plaintiffs' second request for documents; and the Court having considered the submissions of the parties; and the Court having conducted a telephone conference on February 7, 2007 in this matter, as well as the following cases: Montgomery v. Correctional Medical Services, et al., Civil No. 03-66; Thomas v. Correctional Medical Services, et al. Civil No. 04-3358; Nefferdorf v. Correctional Medical Services, et al., Civil No. 04-3411; Smart-El v. Correctional Medical Services, et al., Civil No. 04-3413; Wenner v. Correctional Medical Services, et al., Civil No. 04-3414; Aguila v. Correctional Medical Services, et al., Civil No. 04-3415; Reynolds v. Correctional Medical Services, et al., Civil No. 04-3416; Lopez v. Correctional Medical Services, et al., Civil No. 04-2155; and the Court noting the following

appearances: Daniel S. Weinstock, Esq., Rosemary Pinto, Esq., and Thomas M. Marrone, Esq., appearing on behalf of Plaintiffs; David C. Federman, Esq., appearing on behalf of the Plaintiff in the Lopez matter; Franklin L. Flacks, Esq., appearing on behalf of the Defendant St. Francis Hospital in the Lopez matter; David J. Bishop, Esquire, appearing on behalf of Defendant Alyn R. Caulk, M.D. in the Thomas matter; Sarah B. Campbell, Esq. and Dianne M. Moratti, Esq., appearing on behalf of Defendant Devon Brown and Defendant Dwight Hutchinson; and Gary J. Lesneski, Esq., appearing on behalf of Defendant Correctional Medical Services, Inc. [hereinafter "CMS"] and all CMS Defendants, including Defendant Louis Tripoli; and Plaintiffs having agreed to withdraw their motion to compel without prejudice pending resolution of Defendant Tripoli's motion to stay in this action pursuant to the Servicemembers Civil Relief Act; and for good cause shown,

IT IS on this 9th day of February 2007, hereby

ORDERED that Plaintiffs' motion to compel [No. 129] is hereby is **DISMISSED without prejudice**; and it is further

ORDERED that Plaintiffs shall be permitted to refile the motion to compel [No. 129] by letter application following resolution of Defendant Tripoli's motion to stay in this action or following resolution of Defendant CMS' motion to stay in the following actions: Thomas v. Correctional Medical Services, et al. Civil No. 04-3358; Nefferdorf v. Correctional Medical Services, et al., Civil No. 04-3411; Smart-El v. Correctional Medical Services, et al., Civil No. 04-3413; Wenner v. Correctional Medical Services,

et al., Civil No. 04-3414; Aguila v. Correctional Medical Services,
et al., Civil No. 04-3415; Reynolds v. Correctional Medical
Services, et al., Civil No. 04-3416; Lopez v. Correctional Medical
Services, et al., Civil No. 04-2155.

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Noel L. Hillman