

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ALAN TROJACK, ET AL. §  
VS. § CIVIL ACTION NO. 1:08cv593  
UNITED STATES OF AMERICA §

ORDER

The defendant has filed a motion to dismiss or, in the alternative, for summary judgment. Plaintiffs have filed a motion asking that three of the declarations submitted in support of the motion be stricken.

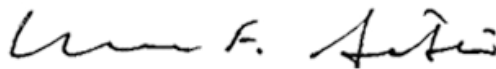
After considering plaintiffs' arguments and the response filed by the defendant, the court is of the opinion the declarations constitute competent summary judgment proof. It is therefore

**ORDERED** that the motion to strike is **DENIED**.

In light of this ruling, the court is of the opinion plaintiffs should be given an opportunity to file a supplemental response to the defendant's motion. Plaintiffs may therefore, if they deem such action appropriate, file a supplemental response within 30 days of the date set forth below. If a supplemental response is filed, the defendant will have 10 days to file a reply.

In light of the above, the motion to dismiss, or in the alternative, for summary judgment is **DENIED** for administrative and statistical purposes only. Once a supplemental response is filed, or the time for doing so has expired, the court will issue a ruling on the motion to dismiss or for summary judgment.

**SIGNED** this 24 day of August, 2009.



---

KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE