

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA.

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CASINO CITY

CIVIL ACTION

SIGN _____
by DEPUTY CLERK

VERSUS

NUMBER 04-557-B-M-3

UNITED STATES DEPARTMENT OF
JUSTICE

MINUTE ENTRY ORDER

A telephone status conference was held on January 27, 2005, among the following participants:

Lauren Galeoto
Fredrick R. Tulley
Counsel for plaintiff

Sam Kaplan
Counsel for defendants

The primary disagreement between the parties insofar as establishing deadlines is concerned is whether discovery should be stayed pending the resolution of defendant's motion to dismiss. Plaintiff claims that it is in the position of either ceasing certain of its commercial operations and suffering the resulting economic harm or going forward with those operations under threat of criminal prosecution by the government. Plaintiff seeks a speedy declaration as to its rights to engage in lawful commercial speech.

Defendant, on the other hand, denies plaintiff's claims that its right to engage in lawful commercial speech is at issue and seeks instead to dismiss the action on the grounds of standing and ripeness and failure to state a claim. Defendant contends that to engage in pretrial discovery prior to resolution of its motion would be a waste of both the judiciary's and the litigants' resources. Defendant states that it has good cause to delay

discovery based on the strength of its motion currently pending.

Plaintiff noted that what defendant seeks is a protective order staying discovery, which should be supported by good cause set forth in a more formal fashion. Plaintiff also objected to any lengthy delay in addressing the issue.

Accordingly, **IT IS ORDERED** that a telephone status conference is set for **March 2, 2005, at 10 a.m. central time**. Counsel for plaintiff will set up the call to chambers at 225-389-3602. In the event the motion to dismiss is granted in the interim, the telephone conference is cancelled. In the event the motion to dismiss is denied in the interim, plaintiff's counsel may call chambers to reset the telephone status conference to an earlier date if feasible.

Baton Rouge, Louisiana this 27th day of January, 2005.



MAGISTRATE JUDGE DOCIA L. DALBY