

October 30, 2003. Denied. No motion for reconsideration has been filed and no hearing is scheduled on this record. Pray continuance if this can assist to now 3 years. Md.

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FILED

UNITED STATES DISTRICT COURT
2003 OCT -3 P 5:41
DISTRICT OF CONNECTICUT
U.S. DISTRICT COURT
NEW HAVEN, CONNECTICUT

GEORGE E. KINCADE,

Plaintiff,

CIVIL NO. 3:00CV1801(PCD)

JOHN W. SNOW,
SECRETARY OF THE TREASURY,

Defendant.

October 3, 2003

FILED
OCT 31 9 20 03
U.S. DISTRICT COURT
NEW HAVEN, CT

UNOPPOSED MOTION FOR CONTINUANCE OF AMENDED TRIAL PREPARATION ORDER

The Defendant, John W. Snow, Secretary of the Treasury, hereby respectfully submits this motion for continuance of the Amended Trial Preparation Order issued on September 22, 2003. This Order requires the parties to submit trial memoranda beginning on October 8, 2003. Defendant seeks a continuance of this order because it has submitted on this day a motion for reconsideration of this Court's Ruling on Defendant's Motion for Summary Judgment entered on September 29, 2003.

In this ruling the Court granted the Defendant summary judgment as to all claims on which judgment was sought, but sustained one additional claim for trial. Defendant now asks the Court to reconsider its decision regarding this remaining claim on various grounds, including lack of subject matter jurisdiction because the remaining claim was not administratively exhausted or presented in the complaint. If the motion is granted, the parties' trial memoranda will be unnecessary as there will be no issue remaining for trial.

¹Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Defendant respectfully requests that this Court substitute Mr. Snow, the new Secretary of the Treasury and successor to Paul O'Neill, as the defendant in this litigation.