

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SARAH MOZINGO MARTIN and
MARY S. MOZINGO,**

Plaintiffs,

v.

**TREND PERSONNEL SERVICES and
DAN W. BOBST,**

Defendants.


§
§
§
§
§
§
§
§
§
§

Civil Action No. **3:13-CV-3953-L**

ORDER

Before the court is the Parties['] Agreed Motion for Continuance of Trial Setting, filed June 11, 2014. The parties seek to continue the trial setting and scheduling order deadlines because there is a pending Motion to Dismiss and they decided to ignore the court's Scheduling Order issued December 16, 2013. The parties state, "Because the jurisdictional challenge might decide the entire matter, the parties have abstained from extensive discovery to avoid the unnecessary expense." The court notes that Defendants filed no reply. A reply should always be filed, even if it is brief, as the court can take the failure as a concession that Plaintiffs' position is correct. Defendants shall file a reply to Plaintiffs' response by **June 23, 2014**. After it receives the reply the court will rule on the motion. *The parties are warned that they cannot unilaterally agree to forgo discovery because of a pending motion to dismiss. The court finds this approach troubling. The proper approach is to ask for a stay of pretrial deadlines.*

It is so ordered this 16th day of June, 2014.


Sam A. Lindsay
United States District Judge