

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**GWENDOLYN B. SMITH,
Plaintiff,**

v.

**DISTRICT OF COLUMBIA,
Defendant.**

Civil Action No. 02-481 (JMF)

SCHEDULING ORDER

On December 6, 2005, the United States Court of Appeals for the District of Columbia Circuit affirmed this court's granting of summary judgment in defendant's favor on plaintiff's retaliation claim but reversed the granting of summary judgment as to plaintiff's discrimination claim. The rationale behind the court's reversal was that "the district court abused its discretion in entertaining the [government's] late motion for summary judgment as to Smith's disability discrimination claim." Smith v. District of Columbia, 430 F.3d 440, 457 (D.C. Cir. 2005). As a result, the court remanded the case "for trial on that claim only." Id.

The issue before the court is, as articulated by the government at the recent scheduling conference, whether it will be permitted to renew its motion for summary judgment, either by filing it anew pursuant to a new set of dispositive motions deadlines, or whether it may now make the requisite showing of good cause (upon motion) pursuant to Rule 6(b) of the Federal Rules of Civil Procedure. It is therefore, hereby,

ORDERED that the government file its brief on these issues no later than March 17, 2006. Plaintiff will then have until March 27, 2006 to respond and the government will have until March 31, 2006 to reply. It is further, hereby,

ORDERED that a four day trial in this matter is set for July 31 - August 3, 2006. A

pretrial conference will be held on June 29, 2006 at 9:30 a.m.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: