

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

**ROY BANKS,
Plaintiff,**

v.

**OFFICE OF THE SENATE SERGEANT-
AT-ARMS and DOORKEEPER,
Defendant.**

**Civil Action No. 03-56 (HHK/JMF)
Civil Action No. 03-686 (HHK/JMF)
Civil Action No. 03-2080 (HHK/JMF)**

MEMORANDUM OPINION AND ORDER

Before me are three motions for consideration: (1) Plaintiff's Rule 37 Motion for an Order Precluding Defendant from Offering Testimony Concerning the Subject Matter of Plaintiff's Rule 30(b)(6) Notice of Deposition and Federal Rules of Evidence, Rule 612 Request for Documents [#208] ("Rule 37 Motion"); (2) Defendant's Motion for Enlargement of Time to File Dispositive Motions [#209] ("Motion for Enlargement of Time"); and (3) Banks' Cross Motion For An Expedited Briefing Schedule [# 210] ("Banks' Cross Motion").

The second paragraph of my order of July 10, 2006, required filing of all dispositive motions 60 days after the completion of a deposition of defendant pursuant to Rule 30(b)(6). Plaintiff took that deposition on July 14, 2006, and on August 15, 2006, filed Plaintiff's Rule 37 Motion. Granting that motion and awarding plaintiff the relief he seeks would, for all practical purposes, end this litigation in plaintiff's favor since plaintiff seeks an order in this Title VII case establishing that (1) defendant did not have a legitimate reason to terminate his employment; (2) the failure to hire plaintiff for a

certain position was motivated by racial bias; and (3) the decision to terminate plaintiff's employment was in retaliation for his complaining about the violation of his rights. Id., Proposed Order at 2.

That motion has just become ripe, the briefing having ended on September 5, 2006. If I grant that motion and award the relief plaintiff seeks, the liability phase of this case is over and there is no need for a motion for summary judgment; the only remaining issue will be damages. Obviously, I will have to resolve plaintiff's Rule 37 motion before I permit any other motions, whether for summary judgment or otherwise.

We shall therefore proceed as follows. The order of July 10, 2006, is hereby vacated but only insofar as it sets dates for dispositive motions, meaning that Defendant's Motion for Enlargement of Time and Banks' Cross Motion are denied as moot. Upon the resolution of plaintiff's motion, I will order counsel for both parties to submit a revised schedule for dispositive motions.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: