

I.

The instant action was filed in July of this year. (doc-1). Thereafter, a hearing has been conducting on a request for a restraining order (doc-13); Plaintiff received his firearms license (See attachments to doc-16); both Defendants filed motions to dismiss (doc-15; doc-16); and, responses, replies, and a sur-reply were filed (doc-17, doc-18, doc-24, doc-29). The motions to dismiss are pending before the Court.

Prior to a decision on the motions to dismiss, Plaintiff has filed a motion for summary judgment. (doc-39). The issues in the summary judgment motion, whether the instant action is moot, are essentially the same as the issues that have been presented and briefed in all the pleadings regarding the motions to dismiss.

II.

Defendant Hitchens submits that it would be appropriate to stay proceedings with regard to summary judgment until such time as a decision is rendered on the motions to dismiss. In the alternative, Defendant Hitchens requests an extension of time to respond to summary judgment.

Defendant Hitchens submits that a stay of summary judgment proceedings would be beneficial in that the motions to dismiss may dispose of the instant action. In the event that the motions to dismiss do not dispose of the action,

Defendant Hitchens submits that a stay or extension of time would not prejudice the Plaintiff in that it is not disputed that the Plaintiff has his firearms license. (See doc-16, attachments; doc-39, second affidavit of Camp, ¶ 12).

Accordingly, Defendant Hitchens requests that the Court stay proceedings on the Plaintiff's motion for summary judgment until such time as the motions to dismiss are resolved. In the alternative, Defendant Hitchens request an extension of time of 20 days after the motions to dismiss are decided to respond to the Plaintiff's motion for summary judgment.

Respectfully Submitted, this 6th day of September, 2006.

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CERTIFICATION AS TO FONT

Pursuant to N.D. Ga. Local Rule 7.1 D, I hereby certify that this document is submitted in Times New Roman 14 point type as required by N.D. Ga. Local Rule 5.1(b).

s/ Eddie Snelling, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2006, I electronically filed DEFENDANT HITCHENS' MOTION TO STAY, OR IN THE ALTERNATIVE, MOTION TO EXTEND THE TIME TO RESPOND TO SUMMARY JUDGMENT with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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