

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARGARET LONG,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 1:09-cv-592-GZS
)	
FAIRBANK FARMS RECONSTRUCTION CORP.,)	
)	
Defendant & Third-Party Plaintiff,)	
)	
v.)	
)	
GREATER OMAHA PACKING COMPANY, INC.,)	
)	
Third-Party Defendant.)	
)	

ORDER ON MOTION FOR PARTIAL JUDGMENT

After the close of business on October 7, 2011, Third-Party Defendant Greater Omaha Packing Company, Inc. (“GOPAC”) filed the pending Motion for Partial Judgment on the Pleadings (Docket # 304). The Motion is hereby DENIED IN PART AND RESERVED RULING IN PART.

To the extent GOPAC seeks to utilize Federal Rule of Civil Procedure 12(c) and have the Court enter a partial judgment on the pleadings, the Court concludes that GOPAC’s Motion is untimely. The timing of GOPAC’s Motion violates the express language of Rule 12(c) and also violates the procedural orders entered by this Court. If GOPAC was contemplating any additional dispositive motions prior to trial, it was obliged to bring this to the Court’s attention at the August 4, 2011 final pretrial conference and the October 4, 2011 trial management conference. At this point, allowing a motion for judgment on the pleadings would unnecessarily delay a trial that is scheduled to commence on October 31, 2011.

To the extent GOPAC’s Motion asks this Court to make a final determination regarding choice of law in advance of trial, the Court will treat this portion of the motion as a motion in limine regarding choice of law that was filed in advance of the established October 11, 2011 deadline. In accordance with

this Court's Order on Motions in Limine (Docket # 296), Fairbank may file a response on the choice of law issue by noon on October 17, 2011. No replies will be permitted.

While the Court reserves ruling on the choice of law question, as to all other issues briefed in GOPAC's Motion for Partial Judgment, the Motion is hereby DENIED.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 11th day of October, 2011.

Plaintiff

MARGARET LONG
TERMINATED: 03/11/2011

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V.

Defendant

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TERMINATED: 03/11/2011

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Defendant

**FAIRBANK RECONSTRUCTION
CORP**
TERMINATED: 03/11/2011
doing business as
FAIRBANK FARMS
TERMINATED: 03/11/2011

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Defendant

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TERMINATED: 03/11/2011

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ThirdParty Plaintiff

FAIRBANK FARMS INC
TERMINATED: 08/15/2011

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