

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON
CASE NO.: 5:18-cv-00351-KKC

NICHOLAS CHARLES BREINER

PLAINTIFF

v.

JOINT MOTION TO CONTINUE JURY TRIAL
Electronically Filed

BOARD OF EDUCATION OF MONTGOMERY COUNTY

DEFENDANT

* * * * *

Comes the Plaintiff and the Defendants, by and through their respective counsel and move the court to continue the jury trial in the above-styled Federal action currently set for June 21, 2022 and allotted five days. As grounds, due to surgery and health issues of counsel for the Defendants, much of the discovery necessary to be complete to prepare this case for trial has not been accomplished during the early months of 2022.

Counsel for the Defendants still has limitations on a physical basis from his surgery back in January of 2022 including decreased strength and endurance.

Counsel does not believe that they will be prepared to adequately represent their client's interest and putting on this trial at the current date.

The request for a continuance is not made lightly, but rather to allow for fair litigation of this matter.

This matter is set for a status conference on the fourth day of May, 2022 at 11:00 a.m. and the parties can address the request in more detail at that time. However, the parties felt it was appropriate to give the court notice that this Motion would be among the things that need to be discussed at the status conference.

Wherefore, Parties, jointly, request that the court grant a continuance of the current trial date.

Respectfully submitted,

JOHN G. MCNEILL (KY# 46820)
Landrum & Shouse LLP
106 West Vine Street
PO Box 951
Lexington, KY 40588-0951
jmcneill@landrumshouse.com
Telephone: 859-255-2424
Facsimile: 859-233-0308

BY: /s/ JOHN G. MCNEILL
ATTORNEY FOR DEFENDANT
MONTGOMERY COUNTY BOE

and

BY: /s/ EDWARD E. DOVE
ATTORNEY FOR PLAINTIFF
NICHOLAS CHARLES BREINER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has this 3rd day of May, 2022, been electronically mailed to the following:

Edward E. Dove
300 Lexington Building
201 West Short Street
Lexington, KY 40507
eddove@windstream.net
Attorney for Plaintiff

Mark A. Mantooth
1225 UA 60 W
Ste. 104
Morehead, KY 40351
Mark.a.mantooth@gmail.com
Attorney for Plaintiff

BY: /s/ JOHN G. MCNEILL
ATTORNEY FOR DEFENDANT
MONTGOMERY COUNTY BOE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON
CASE NO.: 5:18-cv-00351-KKC

NICHOLAS CHARLES BREINER

PLAINTIFF

v.

ORDER

BOARD OF EDUCATION OF MONTGOMERY COUNTY
And JON LEDFORD, in his individual and official capacity

DEFENDANTS

This matter having come before the Court on the Joint Motion to Continue the trial date set for June 21, 2022, due to surgery and health issues of counsel for the Defendants, and thus allowing more time to complete discovery in the matter, has been GRANTED.

Dated this ____ day of _____, 2022.

BY: _____
JUDGE, MONTGOMERY CIRCUIT COURT

PREPARED BY:

JOHN G. MCNEILL
COUNSEL FOR DEFENDANT

HAVE SEEN:

EDWARD E. DOVE
COUNSEL FOR PLAINTIFF

NOTICE OF SERVICE

This is to certify that a true and correct copy of the foregoing has this ____ day of _____, 2022, been mailed to the following:

Edward E. Dove
300 Lexington Bulding
201 W. Short Street
Suite 300
Lexington, KY 40507
eddove@windstream.net
Attorney for Plaintiff

Mark A. Mantooth
1225 UA 60 W
Ste. 104
Morehead, KY 40351
Mark.a.mantooth@gmail.com
Attorney for Plaintiff

John G. McNeill
Landrum & Shouse LLP
106 West Vine Street, Suite 800
PO Box 951
Lexington, KY 40588-0951
jmcneill@landrumshouse.com
Attorney for Defendant

BY: _____
CLERK, MONTGOMERY CIRCUIT COURT