

FILED

JAN 31 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

LAURANCE J. CIBLEY
Plaintiff

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v.

MO-99-CA-114

TEXAS TECHNOLOGICAL SCHOOL
OF MEDICINE, CAROL BERGQUIST,
and GAIL VANDERLEE
Defendants

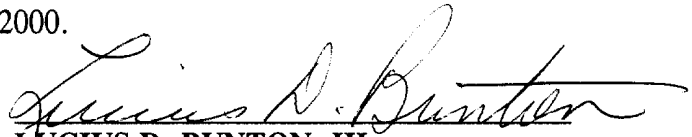
ORDER GRANTING MOTION TO DISMISS

BEFORE THE COURT is Defendants Bergquist and Vanderlee's Motion to Dismiss filed January 26, 2000 in the above referenced cause of action for damages resulting from wrongful constructive discharge, defamation and intentional infliction of emotional distress. On November 22, 1999, Defendants Bergquist and Vanderlee filed a Motion for Rule 7 Reply and Request for Relief from Local Rule CV-12 and Defendant Texas Tech University Health Sciences Center filed a Motion for Judgment on the Pleadings. On January 5, 2000, this Court granted Bergquist and Vanderlee's motion and denied Texas Tech's motion, but granted leave to reassert the latter after receipt of Plaintiff's response. The Court's order required Plaintiff to file a response to Defendants Bergquist and Vanderlee's Motion and Defendant Texas Tech's Motion on or before January 21, 1999, addressing Defendants' defenses of qualified and official immunity. Defendants now seek to dismiss this action, claiming they have effectively been prevented from defending this case because Plaintiff has not responded to this Court's order. The Court is of the opinion that this case should be dismissed at this time, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, because Plaintiff has not yet been able to formulate a response. Accordingly,

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IT IS ORDERED that Defendants' Motion to Dismiss is granted, and that this cause is hereby **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 31st day of January, 2000.


LUCIUS D. BUNTON, III
SENIOR UNITED STATES DISTRICT JUDGE