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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

JAN E. KRUSKA,

Plaintiff,

v.

PERVERTED JUSTICE  
FOUNDATION INCORPORATED, et.  
al.,

Defendant.

No. CV 08-0054-PHX-SMM

**ORDER**

Before the Court is Defendants April and David Butler’s Motion for Summary Judgment, filed September 19, 2009 (Doc. 118). Plaintiff filed a Response on September 26, 2009 (Doc. 123), and Defendants replied on October 16, 2008 (Doc. 127). First, the Court notes that the claims against David Butler have previously been dismissed, pursuant to a Court Order on February 6, 2009(Doc. 150). As to April Butler, since no discovery has been undertaken, the Court finds that it is in the best interest of the parties, as well as in the interest of judicial economy to deny with leave to refile in the future the pending motion for summary judgment. The Court anticipates that discovery will be conducted and that matters related to issues in the pending motion for summary judgment may be raised as a result thereof. Accordingly, the motion will be denied without prejudice to refile at a later date.

