

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CARETOLIVE,  
a not-for-profit corp.,  
Plaintiff,

v.

Case No. 2:08-cv-005  
JUDGE GREGORY L. FROST  
Magistrate Judge Norah McCann King

U.S. FOOD AND DRUG  
ADMINISTRATION,  
Defendant.

**ORDER**

This matter is before the Court on Defendant's notice and supplemental declaration (Doc. # 25), Plaintiff's motion for discovery (Doc. # 26), and Plaintiff's motion to deny a continued stay in this action (Doc. # 27). Defendant timely filed its notice and supplemental declaration in accordance with this Court's May 22, 2008 Opinion and Order, (Doc. # 23). Based upon that notice, Defendant shall respond to Plaintiff's request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.* on or before May 18, 2009. This case shall remain **STAYED** and **ADMINISTRATIVELY CLOSED** until Defendant responds to that FOIA request on or before May 18, 2009. Defendant is ordered to notify this Court upon responding to the FOIA request.

With regard to Plaintiff's motions, neither is well taken. First, this Court has already issued its Opinion and Order relating to the stay and continued stay in this matter and there is no reason for revisiting that issue. (*See* Doc. # 23.) Consequently, the Court **DENIES** Plaintiff's motion to deny a continued stay in this matter. (Doc. # 27.)

Second, because this case shall remain stayed, there is no need for the parties to engage in discovery at this time. Thus, the Court **DENIES** Plaintiff's discovery motion without prejudice to renewal when the stay is lifted. (Doc. # 26.)

**IT IS SO ORDERED.**

**/s/ Gregory L. Frost**  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**