

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RONALD D. RUSSO)
)
 v.) C.A. No. 94-0555L
)
 BAXTER HEALTHCARE CORPORATION,)
 AND BAXTER INTERNATIONAL, INC.)

MEMORANDUM AND ORDER

Ronald R. Lagueux, Chief Judge.

Defendant, Baxter Healthcare Corporation's, motion for leave to file motion for summary judgment is denied.

Defendant's motion for summary judgment has been considered and reconsidered by Judge Pettine on previous occasions, and it would not be productive to replew that ground at this time. In addition, it is clear that there are disputed genuine issues of fact which can not be resolved by a summary judgment motion. Therefore, it would be a waste of time and effort to undertake summary judgment review at a time when the parties should be preparing for trial.

The next significant event that will take place in this case is a jury trial during the month of April, 1997. All legal issues that could be raised by motion for summary judgment will be dealt with by the Court during or after that trial.

Plaintiff's request for sanctions is denied.
It is so ordered.

Ronald R. Lagueux
Chief Judge
February 26, 1997