

SIGNED.



Dated: July 17, 2008

*James M. Marlar*  
JAMES M. MARLAR  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

<p>10 In re:</p> <p>11 CARDSYSTEMS SOLUTIONS, INC.,</p> <p>12 _____ Debtor.</p> <p>13 MERRICK BANK CORPORATION,</p> <p>14 Plaintiff,</p> <p>15 vs.</p> <p>16 CARDSYSTEMS SOLUTIONS, INC.,</p> <p>17 _____ Defendant.</p> <p>18 BETH LANG, AS CHAPTER 7 TRUSTEE</p> <p>19 FOR CARDSYSTEMS SOLUTIONS,</p> <p>20 INC., a Delaware corporation,</p> <p>21 Counterclaimant,</p> <p>22 vs.</p> <p>23 MERRICK BANK CORPORATION,</p> <p>24 _____ Counterdefendant.</p>	<p>) Chapter 7</p> <p>) No. 4:06-bk-00515-JMM</p> <p>) Adversary No. 4:07-ap-00046-JMM</p> <p>)</p>
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**MEMORANDUM DECISION**

The Trustee's Motion for Order to Extend Discovery Cut-Off Date and Trial Date (Dkt. #45) was heard on July 14, 2008. After consideration of the issues, the court rules.

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1 **FACTS AND CONTENTIONS**

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3 This adversary proceeding was filed on June 29, 2007, but did not become active until  
4 after conversion of the case from chapter 11 to chapter 7 on November 19, 2007, and the  
5 appointment of a chapter 7 Trustee. Once the Trustee appointed special counsel to assist her with  
6 this adversary proceeding, and that counsel was able to investigate, an answer and counterclaim  
7 were filed on April 11, 2008. The issues were joined when Merrick Bank answered the  
8 counterclaim on April 29, 2008.

9 The court issued its trial scheduling order on March 11, 2008, setting the following  
10 dates for the parties:

11	Rule 26.1 Exchange	May 15, 2008
12	Dispositive Motion	August 15, 2008
13	Deadline	
14	Discovery Cutoff	August 15, 2008
15	Joint Pretrial Statement	October 14, 2008
16	Trial	October 20 - 21, 2008 at 9:30 a.m. each day

17 (Minutes, Dkt. #36.)

18 The Trustee now seeks to expand the discovery cutoff date, which Merrick Bank  
19 opposes. Trustee maintains that the dispositive motion date need not be changed, because the  
20 undisputed facts upon which legal matters can be addressed are (or soon will be) of sufficient clarity  
21 and finality to deserve rulings.

22 The court is sensitive to both the Trustee's perceived need for additional discovery  
23 time, but also to its internal desire to hold to the trial date which, last March, all parties believed was  
24 reasonable.

1           Accordingly, the court will expand the discovery cutoff by 30 days, to end on  
2 September 15, 2008. The parties are encouraged to meet this new deadline so that the trial date will  
3 not have to be moved further.<sup>1</sup>

4           A separate order will be entered. FED. R. BANKR. P. 9021.

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6           DATED AND SIGNED ABOVE.

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8 COPIES served as indicated below  
9 on the date signed above:

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38 <sup>1</sup> Should this occur, the court has asked the Clerk to tentatively reserve the week of  
November 3-7, 2008, for this backup purpose. The parties should perhaps note these dates on  
their calendars.

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5 By /s/ M. B. Thompson  
6 Judicial Assistant

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