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21 *Midwest Industrial Supply, Inc.*

22
23 **UNITED STATES DISTRICT COURT**
24 **IN AND FOR THE DISTRICT OF ARIZONA**
25

26 SOILWORKS, LLC, an Arizona
27 corporation,

28 Plaintiff / Counterdefendant /
Counterclaimant,

v.

MIDWEST INDUSTRIAL SUPPLY, INC.,
an Ohio corporation authorized to do
business in Arizona,

Defendant / Counterclaimant /
Counterdefendant.

NO.: 2:06-CV-2141-DGC

JUDGE DAVID A. CAMPBELL

**JOINT MOTION FOR EXTENSION
OF CASE MANAGEMENT
DEADLINES**

1 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Soilworks,
2 LLC ("Plaintiff") and Defendant Midwest Industrial Supply, Inc ("Defendant") hereby move
3 this Court for an extension of all deadlines as set forth in the Case Management Order.
4 Currently, pursuant to this Court's May 10, 2007 Order, the deadline for completion of
5 factual discovery is January 11, 2008 and the deadline for completion of expert depositions
6 is April 11, 2008, with disclosure of rebuttal expert witnesses by February 29, 2008. The
7 deadline for dispositive motions is May 9, 2008. Both parties jointly request that these
8 deadlines be extended as set forth herein.
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11 In support of this Motion, the parties state that despite their diligent efforts, they are
12 unable to complete discovery within the time set out by the Case Management Order and
13 need more time for depositions and expert reports. In an endeavor to save time and money,
14 the parties have focused their resources in attempting to settle this case. In fact, the parties
15 recently requested a mediation with Magistrate Judge Lawrence Anderson. On February 27,
16 2008, Plaintiff's President and Vice President along with Plaintiff's counsel from Omaha,
17 Nebraska and Phoenix, and Defendant's counsel and CEO attempted to settle the dispute via
18 the aforementioned mediation. Unfortunately, despite their efforts, the parties could not
19 reach a settlement.
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22 The parties, amongst themselves, attempted to extend deadlines so as not to affect any
23 of the deadlines with the Court. However, both parties believe that the deadlines currently
24 set forth need formally extended by the Court. Accordingly, the parties jointly request that
25 the deadlines be extended to the following:
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1 The deadline for completing fact and expert discovery, including expert depositions,
2 shall be **May 16, 2008**.

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4 The parties shall provide full and complete expert disclosures as required by Rule
5 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, with respect to any issue on which
6 they have the burden of proof at trial, no later than **April 18, 2008**.

7 Rebuttal expert disclosures, if any, shall be made no later than **May 2, 2008**.

8 Dispositive motions shall be filed no later than **June 23, 2008**.

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10 Both parties bring this extension in good faith and this extension will not interfere
11 with the timely resolution of the litigation. There is no trial date set. Also, the requested
12 extension only extends the expert deposition deadline by one week and the dispositive
13 motion deadline by approximately six (6) weeks. Moreover, the requested continuance is in
14 the interests of justice because it will allow the parties to conduct adequate discovery
15 regarding the claims and defenses in this litigation and to prepare dispositive motions that
16 could resolve some or all of the parties' claims and defenses in advance of trial.
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19 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2008 the foregoing JOINT MOTION FOR EXTENSION OF DEADLINES was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ John M. Skeriotis _____
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