

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEPOSITORS INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:08-cv-125-DRH
)	
HAMILTON BEACH/PROCTOR-SILEX,)	
INC.,)	
)	
Defendant.)	

SCHEDULING ORDER

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on order of the Court.

Disclosures or discovery under Rule 26(a) of the Federal Rules of Civil Procedure are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery.

Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), the Court hereby approves and enters the following Scheduling and Discovery Order as submitted by the parties and as modified at the Pretrial Scheduling and Discovery Conference.

- A. A settlement conference is set before Magistrate Judge Donald G. Wilkerson in accordance with SDIL-LR 16.3(b) on **February 26, 2009 at 9:00 a.m.** in the East St. Louis Federal Courthouse. If the parties believe that a sooner or later settlement conference date will be beneficial, they may contact chambers.
- B. A final pretrial conference will be set before the trial judge in accordance with SDIL-LR16.2(b).

C. The presumptive trial month is **RESET** for **October 2009**.

DATED: July 21, 2008

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Depositors Insurance Company)	
a/s/o UNGER,)	
)	CASE NO. 08-cv-125-DRH-DGW
Plaintiff(s),)	
)	CJRA TRACK:
vs.)	
)	JUDGE: Herndon/Wilkerson
Hamilton Beach/Proctor-Silex, Inc.,)	
)	
Defendant.)	

**JOINT REPORT OF PARTIES AND
PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), an initial conference of the parties was held on July 21, 2008, with attorney for Plaintiff, Stuart M. Brody of Sneckenberg, Thompson & Brody, LLP and counsel for Defendant, William S. Thomas and/or Nicholas B. Bunnell of RABBITT, PITZER & SNODGRASS participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED
TO AS FOLLOWS:

1. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34, were already served on Defendant previously and Defendant shall serve on Plaintiff by August 10, 2008.
2. Plaintiff's deposition and deposition of Plaintiff's insureds shall be taken by September 30, 2008.
3. Defendant's corporate representative(s) and their design and safety engineers' depositions shall be taken by November 15, 2008.

4. Third Party actions must be commenced by October 31, 2008. Any Cross-claims and/or counterclaims shall be filed in accordance with the Federal Rules of Civil Procedure.
5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): December 1, 2008.

Defendant's expert(s): January 30, 2009.
6. Depositions of expert witnesses must be taken by :

Plaintiff's expert(s): January 15, 2009.

Defendant's expert(s): February 16, 2009.
7. **Discovery** shall be completed by March 31, 2009 (which date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.
8. All **dispositive motions** shall be filed by April 30, 2009 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

9. The Scheduling and Discovery Conference may, at the discretion of the Magistrate Judge, be canceled if the Magistrate Judge approves of the parties' proposed Scheduling and Discovery Order as submitted.