

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED FIRE & CASUALTY  
COMPANY a/s/o BAD BOYS  
HOLDINGS, L.C. and C.H.S.H.S.,  
L.C.,

Plaintiff,

vs.

VENTURA FOODS, LLC,  
DISTRIBUTION MARKETING  
SERVICES OF TEXAS, LLC, and  
REINHART FOODSERVICE, LLC,

Defendants.

No. 16-CV-0034-MWB

**ORDER**

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Before the Court is the Plaintiff's Motion to Amend Scheduling Order and Discovery Plan (Doc. 23). The motion states that both Plaintiff's and Defendants' counsel discussed the issue of amending the scheduling order and discovery plan and have agreed, pending the Court's approval. Doc. 23, ¶7.

After the initial Scheduling Order was issued on June 8, 2016 (Doc. 12), the Court issued a Trial Management Order scheduling a jury trial for July 17, 2017 (Doc. 13). Thereafter, on July 20, 2016, a Motion to Continue Trial was granted (Doc. 16), rescheduling the jury trial for October 2, 2017, with the Final Pretrial Conference scheduled for September 19, 2017, at 3:00 p.m.<sup>1</sup>

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<sup>1</sup> The Court notes that the Final Pretrial Conference was previously scheduled before United States Magistrate Judge Jon S. Scoles. Judge Scoles retired from the Northern District of Iowa on December 31, 2016. The Final Pretrial Conference will now take place before United States Magistrate Judge Kelly K.E. Mahoney on September 19, 2017.

The parties state that the original Scheduling Order and Discovery Plan was based on the trial ready date of June 18, 2017, and that because of the “delay in getting written discovery responses, as well as having to travel to take fact witness depositions, it would be very difficult for the parties and their experts to meet these dates.” Doc. 23, ¶6. The motion further states that this case is a very complicated matter involving a fire and explosion, and that both Plaintiff’s and Defendants’ responses to the production requests have exceeded one thousand pages. Doc. 23. Further, the depositions for non-expert witnesses will need to be completed in states other than Iowa. Doc. 23.

The parties propose the following deadline extensions:

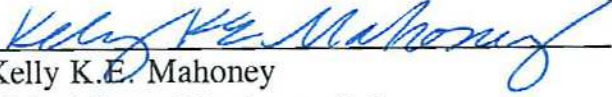
	<u>Current</u>	<u>Extended</u>
Plaintiff’s Expert Witness:	02/24/2017	4/10/2017
Defendants’ Expert Witness:	04/28/2017	06/12/2017
Plaintiff’s Rebuttal Expert Witness:	05/31/2017	07/10/2017
Dispositive Motion:	02/18/2017	06/02/2017

The motion states that by amending the Scheduling Order & Discovery Plan to the dates agreed upon by the parties, it will not affect the current trial date of October 2, 2017. The Court notes, however, that the newly proposed Dispositive Motion deadline is now exactly 120 days before the schedule trial date. Therefore, no further extensions will be available for continuing this deadline as provided under the Local Rules requiring the submission of dispositive motions at least 120 days prior to the date of any scheduled trial. *See* LR 16(h).

**IT IS ORDERED**, for good cause shown, that the Motion (Doc. 23) is **GRANTED**. The deadlines are extended as set forth above and shall now govern the case. No further extensions will be allowed unless exceptional circumstances are presented.

The Jury Trial date of October 2, 2017, and the Final Pretrial Conference on September 19, 2017, will remain as previously scheduled (Doc. 16). Judge Mahoney will now preside at the Final Pretrial Conference on September 19, 2017, at 3:00 p.m.

**IT IS SO ORDERED** this 31<sup>st</sup> day of January, 2017.

  
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Kelly K.E. Mahoney  
United States Magistrate Judge  
Northern District of Iowa