

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TRANSFAIR NORTH AMERICA)	
INTERNATIONAL FREIGHT)	
SERVICES, INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 13-1429-EFM-TJJ
HIT, Inc., et al.,)	
)	
Defendants.)	

ORDER

A telephone Scheduling Conference was conducted in this case on October 7, 2014, by U.S. Magistrate Judge Teresa J. James. The plaintiff, Transfair North America International Freight Services, Inc., appeared through counsel Patrick B. Hughes. Defendant/Cross-Claimant Forest Products Distributors, Inc. appeared through counsel John D. Beverlin, II. Defendants/Third-Party Plaintiffs Black Hills Molding, Inc., Chinook Wood, LLC, and Gary D. Mallams appeared through counsel Jeffrey Warner Rockett. Defendant HIT, Inc. appeared through counsel John F. Wilcox, Jr. Third-Party Defendant Cory Betts appeared through counsel Nathan R. Elliott.

The Court discussed with counsel the remaining deadlines in the case and made the following rulings:

1. By October 10, 2014, Plaintiff and all Defendants will provide Third-Party Defendant Cory Betts with a written statement of their good faith settlement demands and positions.
2. By October 10, 2014, Third-Party Defendant Cory Betts will prepare and serve his written discovery requests.

3. Although the Court did not order the parties to engage in alternative dispute resolution, the parties had scheduled mediation in this case. They canceled the mediation after the Court granted certain Defendants' motion to add Cory Betts as a Third-Party Defendant, but they agree that settlement might be enhanced through the use of mediation. Accordingly, the parties shall conduct mediation no later than November 26, 2014.¹

4. No party anticipates the need to present expert testimony in this case, and therefore the Court will not extend the Scheduling Order deadlines for expert witness disclosures. Should any party later determine that it wishes to use an expert witness, such party must file a motion seeking leave to make expert witness disclosures.

5. No party seeks an extension of the current discovery deadline of October 14, 2014 for written discovery, and it remains unchanged.

6. If the case is not settled at or before mediation, the parties will likely schedule depositions. The parties must schedule any such depositions to be taken within six (6) weeks of mediation provided, however, that even if the mediation is continued to a date after November 26, 2014, any such depositions shall be scheduled to be taken no later than January 15, 2015.

7. The parties shall notify the Court of the date of their mediation, and of the results thereof. If the case does not settle at or before mediation, the Court will set a telephone status conference to (1) set deadlines for filing motions relating to outstanding discovery issues and

¹The Court recognizes that the parties' chosen mediator may not be available within the deadline. If the mediator is not available until December, 2014, counsel shall so notify the Court to obtain an extension of their mediation deadline. If mediation cannot occur until 2015, the parties shall file a motion setting forth the reason and seeking an extension of the deadline.

dispositive motions, (2) set a deadline to submit a proposed Pretrial Order, and (3) schedule the Final Pretrial Conference.

8. All other Scheduling Order deadlines not specifically listed herein remain unchanged.

IT IS SO ORDERED.

Dated this 8th day of October, 2014, in Kansas City, Kansas.

s/ Teresa J. James _____
Teresa J. James
United States Magistrate Judge