

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

**RUDD EQUIPMENT COMPANY, INC.,**

**Plaintiff**

v.

**Case No. 3:14-cv-703-DJH-CHL**

**JOHN DEERE CONSTRUCTION &  
FORESTRY COMPANY,**

**Defendant**

**Memorandum Opinion and Order**

John Deere Construction and Forestry Company moves for an extension of time. (DN 15.) The Court will grant in part and deny in part the motion.

The Court held an evidentiary hearing in this matter over two months ago. (*See* DN 111.) The Court said that the parties' deadline for filing their proposed findings of fact and conclusions of law would be thirty days after the Court ruled on the evidentiary matters. (*Id.*) On May 24, 2017, the Court ruled on the evidentiary matters. (DN 113.) Thus, pursuant to that order, the parties' deadline for filing their proposed findings of fact and conclusions of law is June 23.

Now, Deere moves to extend that deadline to July 21. (DN 115.) Deere filed its motion for an extension on June 8. (*Id.*) Deere argued that the arbitration panel would soon reach a final decision, and extending the deadline to July 21 would avoid wasted time and resources on what Deere characterizes as a "likely moot issue." (*Id.*, #2867.)

On June 14, Rudd Equipment Company ("Rudd") responded to Deere's motion. (DN 117.) Rudd did not oppose extending the deadline to July 21. Additionally, Rudd said that the arbitrators issued a final ruling on June 12. (*Id.*, #2873.) Although Rudd agreed to an extension until July 21, Rudd conceded "*none* of the substantive points" Deere raised in its motion. (*Id.*)

The Court will grant Deere's motion to the extent it seeks an extension, but deny it to the extent it seeks an extension until July 21. Notwithstanding the parties' agreement on a July 21

deadline, the parties have had ample time to begin preparing their proposed findings and conclusions since the April hearing. Indeed, the Court spoke in general terms about the proposed findings and conclusions at the end of the hearing. (*See* DN 106, #2563.) The transcripts have been available since April 21. (*See* DNs 105, 106, 109, & 109.) A month and a half ago, the Court detailed its expectations for the proposed findings and conclusions. (*See* DN 111.) Even if the parties waited until after the evidentiary ruling to begin drafting, they have had three weeks since that ruling to begin preparing their proposed findings and conclusions. (*See* DN 113.) Extending the deadline until July 21 would unnecessarily delay resolution of this matter.


Rudd says that the arbitration panel reached its final decision on June 12. (DN 117, #2873.) The Court will give the parties thirty days from that date to file their proposed findings of fact and conclusions of law.

Accordingly, the Court **GRANTS in part and DENIES in part** Deere's motion for an extension of time (DN 115). The parties' deadline for filing proposed findings of fact and conclusions of law is **July 11, 2017**. Counsel shall refer to the May 2 order for instructions. (*See* DN 111.) **In addition**, on **July 11, 2017**, the parties shall file simultaneous briefs—filed separately from the proposed findings and conclusions—on the following issues:

- Whether the final decision from the arbitration panel renders Rudd's motion to enforce the Agreed Order moot; and
- Whether there is still a case or controversy between the parties in this Court.

There will be no responses to the simultaneous briefs.

June 16, 2017

  
Colin Lindsay, Magistrate Judge  
United States District Court