

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

STATE OF MINNESOTA,

CIVIL No. 08-603 (DWF/AJB)

PLAINTIFF,

AMENDED

v.

PRETRIAL SCHEDULING ORDER

CMI OF KENTUCKY, INC.,

DEFENDANT.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Discovery Plan

1. Fact discovery shall be commenced in time to be completed on or before **November 1, 2009.**
2. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before May 20, 2008.
3. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), as well as written reports prepared and signed by the expert witness, shall be made as follows:
 - a. By Plaintiff on or before **September 1, 2009.**
 - b. By Defendant on or before **September 1, 2009.**
 - c. Rebuttal witness identity and reports shall be disclosed on or before **October 1, 2009.**
4. No more than 25 interrogatories [counted in accordance with Fed. R. Civ. P. 33(a)] shall be served by either party.
5. No more than 10 depositions, excluding expert witness depositions, shall be taken

by either party. Each party shall take no more than 2 expert depositions.

6. Expert discovery, including expert depositions, shall be completed on or before **November 1, 2009.**

Non-Dispositive Motions

(Non-dispositive motions may be scheduled for hearing by calling Kathy Thobe, Calendar Clerk, 651-848-1210.)

1. All motions which seek to amend the pleadings or add parties must be served on or before June 1, 2008 [Any motion for leave to amend to allege punitive damages must be served and filed before the discovery deadline date].
2. All other non-dispositive motions and supporting documents, including those which relate to discovery, shall be served and filed on or before January 2, 2009.
3. Prior to scheduling any non-dispositive motion, parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through telephone conference with the Magistrate Judge. All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1, and **shall be presented in a form that complies with Local Rule 37.2.**

Dispositive Motions

1. Early dispositive motions shall be served and filed with the Court on or before **April 17, 2009.** Responses to early dispositive motions shall be served and filed on or before **May 15, 2009.** Replies to early dispositive motions shall be served and filed on or before **May 29, 2009.** (Counsel are advised that they must schedule this hearing by calling Calendar Clerk Gina Olson, 651-848-1296.)
2. Final dispositive motions shall be served and filed with the Court on or before **January 1, 2010.** Responses to final dispositive motions shall be served and filed on or before **February 1, 2010.** Replies to final dispositive motions shall be served and filed on or before **February 15, 2010.** (Counsel are advised that they must schedule this hearing by calling Calendar Clerk Gina Olson, 651-848-1296.)

3. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1.

Trial

This case shall be ready for Court Trial on **May 1, 2010**, or upon resolution of any pending dispositive motions. Each side may call no more than 2 expert witnesses. Anticipated length of trial is 2-3 days.

Dated: March 5, 2009

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge