

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

BADER FARMS, INC. and)
BILL BADER)
)
Plaintiffs,)
)
v.)
)
MONSANTO CO. and)
BASF CORP.,)
)
Defendants.)

Case No. 1:16-CV-299-SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on defendant BASF Corp.’s motion for an extension of time to serve its initial disclosures (#87).

Plaintiffs originally filed this suit against only Monsanto. On October 20, 2017, plaintiffs filed their Second Amended Complaint (#77), where they named BASF as a defendant. Plaintiffs served BASF on October 24, 2017. BASF’s response to the Second Amended complaint initially was due twenty-one days later, on November 14, 2017. See Fed. R. Civ. P. 12(a)(1)(A). BASF moved for an extension of time (#86), and this Court granted the motion (#89). BASF’s response to the Second Amended Complaint is now due on December 4, 2017. BASF’s initial disclosures are due on November 24, 2017, thirty days after it was served. See Fed. R. Civ. P. 26(a)(1)(D). BASF asks for an additional fifty-five days to serve its initial disclosures.

BASF claims there is good cause to extend its time to serve initial disclosures because the Second Amended Complaint is lengthy and complex; its 643 paragraphs span

113 pages. BASF also claims that its counsel was recently retained and needs additional time to investigate the plaintiffs' allegations. BASF argues that the extension is reasonable because both the plaintiffs and Monsanto had roughly eight months after the case was initially filed to serve their initial disclosures.

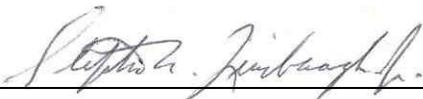
Plaintiffs oppose the motion. They claim that BASF made no effort to contact plaintiffs' counsel about this extension. Plaintiffs also argue that Federal Rule of Civil Procedure 26(a)(1)(D) "already contemplates any alleged hardship on a party that is later joined/served and has concluded that 30 days is a reasonable time frame to serve initial disclosures." (#88 at 3, ¶16). Plaintiffs claim the proposed fifty-five-day extension will subject them to an undue hardship.

The fifty-five-day extension is not unreasonable in light of the circumstances in this case, and the motion will be granted.

Accordingly,

IT IS HEREBY ORDERED that BASF's motion for an extension of time to serve its initial disclosures (#87) is **GRANTED**.

So ordered this 13th day of November, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE