

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LINDA WHITEHEAD, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:08CV00421 AGF
)	
BAXTER HEALTHCARE)	
CORPORATION, et al.,)	
)	
Defendants.)	

**ORDER DENYING PLAINTIFFS' MOTION
FOR NINETY DAY EXTENSION OF REMAINING
DEADLINES, AND SETTING STATUS CONFERENCE**

This matter is before the Court on the motion of Plaintiffs [Doc. #169] for a ninety (90) day extension of all remaining deadlines in the Second Amended Case Management Order. Plaintiffs have attached a proposed Third Amended Case Management Order (the "Proposed CMO") to their motion. As recited in Plaintiffs' motion, three of the Defendants have no opposition to the motion, and the remaining two Defendants take no position with respect to the motion.

In their motion, Plaintiffs assert that the requested extensions will not affect the current trial setting, however, a review of the Proposed CMO suggests otherwise. Per the Proposed CMO, the deadline for any case dispositive motions would be October 26, 2010, and the briefing on those motions would not be complete until December 9, 2010. In light of the nature and history of this case, the Court has every reason to believe that one or more of the Defendants will file substantial motions at that time. The schedule proposed by Plaintiffs, however, will not give the Court sufficient time to rule on any

such motions prior to the trial date. Indeed, the parties' pretrial compliance materials would be due on December 21, 2010, less than two weeks after the briefing on any case dispositive motions would be complete.

The Court notes that based on the complexity of the case and the parties' estimate of the time necessary for trial, the Court has reserved three weeks on its trial docket beginning January 10, 2011, and presumably the parties have done the same. The schedule proposed by Plaintiffs would not permit the Court to maintain that trial setting. As such, the Court cannot grant Plaintiffs' motion, but will schedule a status conference to discuss how the parties would like to proceed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Ninety Day Extension of Remaining Deadlines [Doc. #169] is hereby **Denied without prejudice**.

IT IS FURTHER ORDERED that the Court shall hold a status conference on **Tuesday, September 29, 2009, at 9:30 a.m.** Any counsel who chooses to do so may participate by telephone conference call, however, such counsel must so notify the chambers of the undersigned no later than twenty-four (24) hours in advance of the conference. If trial counsel for any party does not participate in the conference, any attorney representing that party shall be fully prepared and authorized to address all remaining deadlines, including the current trial setting in the case.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of September, 2009.