UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA, STATE OF MISSOURI, and NADIST, LLC,	)	
Plaintiffs,	)	
v.	)	Case No. 4:10CV01895 JCH
THE DOE RUN RESOURCES CORPORATION, THE DOE RUN RESOURCES CORPORATION d/b/a THE DOE RUN COMPANY, and THE BUICK RESOURCE RECYCLING FACILITY, LLC,	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court on its review of the record, including the Joint Proposed Scheduling Plan (Doc. No. 48), in this case. The Court notes that the parties have failed to apprise the Court of how they will proceed if the Court does not approve the Consent Decree. Specifically, Defendants The Doe Run Resources Corporation, The Doe Run Resources Corporation d/b/a The Doe Run Company and The Buick Resources Recycling Facility, LLC (collectively, "Doe Run Defendants") recently asked for and received additional time, up until March 28, 2011, to respond to the Intervenor Complaint. In their request for additional time, Defendants stated that "[t]he requested extension is sought to avoid the added expense of time and money necessary to respond to Nadist's Intervenor Complaint when such response would be mooted by entry of the proposed Consent Decree." (Doc. No. 47, ¶4). Likewise, the Joint Proposed Scheduling Plan "reflects the time the Parties believe is necessary to reach resolution regarding approval of the Consent Decree by

the Court and is not indicative of the time necessary to litigate the claims in the Plaintiffs' complaints." (Doc. No. 48, p. 1, n. 1).

The purpose of the Case Management Order is to allow the Court and the parties to schedule the case and for the Court to manage its docket. In fact, in this Court's Order Setting Rule 16 Telephone Conference (Doc. No. 42), the Court ordered the parties to provide, among other things, the earliest date by which this case should reasonably be expected to be ready for trial. The Court wants to avoid the piecemeal schedule currently proposed and instead seeks a schedule that takes this case through final disposition. The Court hereby orders the parties to resubmit their Joint Proposed Scheduling Plan and provide specific dates for the Court to review in the event that it does not approve the Consent Decree.

Accordingly,

IT IS HEREBY ORDERED that a scheduling conference pursuant to Fed.R.Civ.P. 16 is re-set for **April 14, 2011**, at **10:00 a.m.** The conference will be held by telephone with Plaintiff the United States of America initiating the call. The phone number for Judge Hamilton's chambers is (314) 244-7600. At the scheduling conference, counsel will be expected to discuss in detail all matters covered by Fed.R.Civ.P. 16, as well as all matters set forth in their joint proposed scheduling plan, and a firm and realistic trial setting will be established at or shortly after the conference.

IT IS FURTHER ORDERED that no later than **March 28, 2011**, counsel shall file with the Clerk of the Court a revised joint proposed scheduling plan, as outlined in this Court's Order Setting Rule 16 Telephone Conference (Doc. No. 42).

Dated this 24th day of February, 2011.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE