

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

**FILED**

JAN 10 2017

Clerk, U.S. District Court  
District Of Montana  
Helena

JACQUELYN MITCHELL,

Plaintiff,

vs.

YELLOWSTONE ARCTIC  
YAMAHA, INC.,

Defendant.

No. CV 16-13-BU-SEH

**ORDER**

The Court conducted a hearing on Plaintiff's Motion for Sanctions re:  
Defendant Yellowstone Arctic Yamaha's Spoliation of Evidence<sup>1</sup> on January 10,  
2017.

Upon the record made in open court,

ORDERED

1. The Court's Scheduling Order<sup>2</sup> of August 29, 2016, recites, *inter alia*:

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<sup>1</sup> Doc. 23.

<sup>2</sup> Doc. 18.

Discovery closes: March 17, 2017  
Discovery motions, with supporting briefs,  
shall be filed no later than 10 days following  
the moving party's compliance with  
Fed. R. Civ. P. 26(c)(1) and 37(a)(1).

All pretrial motions, other than discovery motions,  
shall be filed and fully briefed on or before: May 19, 2017

An attorneys' conference to discuss the  
final pretrial order preparation on or before: July 14, 2017

Proposed final pretrial order on or before: July 21, 2017

2. The parties may conduct discovery as they deem appropriate on or before March 17, 2017, directed to communications by, between, with, or among the parties, counsel for the parties, including counsel for Plaintiff in Missouri, or in Montana, or elsewhere, and any insurance company adjuster or representative of any insurance company providing liability insurance coverage to Defendant for the claims asserted in the Complaint.<sup>3</sup>

3. Each party may submit on or before March 17, 2017, a supplemental brief and admissible-in-evidence supporting documents, directed to the particular facts and circumstances surrounding or related to actions taken by or to communications between and among the parties, or their counsel, or to representatives of any liability insurance carrier or carriers for Defendant, in any

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<sup>3</sup> Doc. 19.

way related to any aspect of Plaintiff's motion for sanctions,<sup>4</sup> which took place or occurred during the period from February 26, 2014, through May 20, 2014.

4. Optional response briefs may be filed on or before March 24, 2017.

5. Upon receipt of briefs and material submitted in accordance with paragraphs 3 and 4 above, the Court will, if necessary, conduct a further hearing on Plaintiff's motion for sanctions<sup>5</sup> and will issue its ruling on the motion as soon thereafter as feasible.

DATED this 10<sup>th</sup> day of January, 2017.

  
SAM E. HADDON  
United States District Judge

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<sup>4</sup> Doc. 23.

<sup>5</sup> *Id.*