

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AURORA COOPERATIVE ELEVATOR
COMPANY,

Plaintiff,

vs.

AVENTINE RENEWABLE ENERGY -
AURORA WEST, LLC, AVENTINE
RENEWABLE ENERGY HOLDINGS,
INC.,

Defendants.

4:12CV230

MEMORANDUM AND ORDER

After conferring with the parties,

IT IS ORDERED that the plaintiff's Motion for Leave to Inspect Aurora West Ethanol Plant, (Filing No. 98), is granted as follows:

- 1) The plaintiff shall provide a listing of the plant locations, processes, and/or parts it intends to inspect, and shall identify who will be attending the inspection.
- 2) The parties shall confer to create a joint proposed protective order which will eliminate, or limit to the extent possible, any disruption of the defendant's use of the plant during the plaintiff's inspection. The proposed protective order shall be promptly submitted to the court for approval and signing.
- 3) The parties shall cooperate to schedule the prompt inspection of the plant by the plaintiff in accordance with the plaintiff's location, part, and/or process listing and the protective order entered for that purpose.
- 4) The plaintiff will be afforded an additional opportunity to inspect the plant after defendant's document production is complete upon a showing by the plaintiff that information within the documents produced hereafter justifies another entry onto the property to inspect an additional location, part, or process within the plant.

- 5) The defendant shall create and disclose an list which specifically explains plant modifications made since July 1, 2012 to accommodate plant startup. This list shall continue to be maintained and updated until any post-document production inspection by the plaintiff is complete.
- 6) A telephonic conference with the undersigned magistrate judge will be held on the record on **January 22, 2014** at **4:00 p.m.** to discuss the parties' progress in complying with paragraphs 1, 2, and 3 of this order. The parties shall use the call-in information for today's hearing to attend the telephone conference.

Dated this 21st day of January, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge