

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

E3 BIOFUELS, LLC,)	
)	
Plaintiff,)	8:11CV44
)	
V.)	
)	
BIOTHANE, LLC, successor in)	ORDER
interest and liability to, and)	
PERENNIAL ENERGY, INC.,)	
)	
Defendants.)	
<hr/>)	

Defendants Biothane Corporation and Perennial Energy, Inc. have filed a motion requesting that the Court extend all of the remaining deadlines in this case, including the trial date, for a period of twelve to fourteen months. ([Filing 177.](#)) Plaintiff does not oppose a two or three month extension, but opposes the motion to the extent Defendants seek to delay this case for a year or more.

This case was filed on February 8, 2011. ([Filing 1.](#)) On October 10, 2012, the parties filed a joint motion to extend progression deadlines in this case. ([Filing 152.](#)) In connection with the motion, the parties submitted a proposed progression schedule. The Court informed the parties that the deadlines set forth in their progression schedule would not be adopted because their proposed trial date would make the case over three years old and, thus, reportable to the Eighth Circuit. Accordingly, the Court ordered the parties to submit a revised, proposed progression schedule and set the trial for March 4, 2014.

The Court appreciates the complexities involved in this case. However, the Court finds no reason why the deadlines, as presently established, cannot be met. To the extent that additional discovery is needed beyond the set discovery deadlines, a party may seek leave to conduct that discovery. However, without a showing of good cause, leave to conduct discovery out of time will only be granted to the extent that the additional discovery does not affect other deadlines. Trial is nearly a year away. The parties still have ample time to

prepare the case for trial.

IT IS ORDERED that Defendants' Stipulated Motion to Extend Deadlines ([filing 177](#)) is denied.

DATED March 28, 2013.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**