

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

CAROLINA POWER & LIGHT COMPANY)
d/b/a PROGRESS ENERGY CAROLINAS,)
INC.,)
)
Plaintiff,)
)
v.)
)
3M COMPANY, et al.,)
)
Defendants.)

Civil Action No.: 5:08-CV-460-FL
(CONSOLIDATED)

CONSOLIDATION COAL COMPANY,)
)
Plaintiff,)
)
v.)
)
3M COMPANY, et al.,)
)
Defendants.)

Civil Action No.: 5:08-CV-463-FL
(CONSOLIDATED)


ORDER

This matter is before the Court on Plaintiffs' Motion and Memorandum to Extend Deadlines For Disclosure of Expert Testimony, for Completion of Phase I Discovery, and for Dispositive Motions [CP&L DE-563; Consol DE-558], to which Defendants have responded [CP&L DE-568; Consol DE-564]. Plaintiffs also filed a Motion for Leave to File a reply in support of their motion to extend deadlines [CP&L DE-572; Consol DE-568]. Chief Judge Flanagan has referred the motions to undersigned for decision.

Plaintiffs' motion to file a reply in **GRANTED**, and Plaintiffs are directed to promptly file their reply, which the Court has considered in ruling on the motion to extend deadlines. Plaintiffs seek to extend the following deadlines by one year: reports from retained experts (currently June 30, 2011); reports from rebuttal experts (currently September 30, 2011); completion of Phase I discovery (currently November 30, 2011); and filing potentially dispositive motions (currently January 6, 2012). Plaintiffs note several factors that necessitate extension of these deadlines, including discovery disputes, extensions of time to respond to discovery, and delay in scheduling Rule 30 (b)(6) depositions. Defendants responded that some adjustments to the schedule may be warranted, but that a one year extension of all remaining deadlines may not ultimately be necessary and is not justified at this time.

While the parties have worked diligently through discovery to date, this is a complex case with numerous parties, and the Court finds good cause to make some adjustment to the deadlines. However, the Court agrees with Defendants that it would be improvident to extend all the deadlines by one year at this time. Therefore, for good cause shown, Plaintiffs' motion to extend deadlines is **GRANTED IN PART**, and the Court will extend the expert deadlines by 90 days: reports from retained experts shall be disclosed no later than **September 30, 2011**, and reports from rebuttal experts shall be disclosed no later than **December, 30, 2011**. The Court will consider further extension of the expert deadlines and extension of the discovery and dispositive motions deadlines at the September 7, 2011 status conference.

This the 9th day of June, 2011.



DAVID W. DANIEL
United States Magistrate Judge