

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Lonnie McPeak and Todd McPeak,)
d/b/a McPeak Partnership, and)
Kevin Fettig,)
)
Plaintiffs,)
)
vs.)
)
Cattleman's Choice Loomix, LLC,)
)
Defendant.)

**ORDER RE CONTINUANCE OF
TRIAL AND EXTENSION OF
PRETRIAL DEADLINES**

Case No. 1:08-cv-097

The court held a status conference by telephone in the above-entitled action on November 18, 2009. Pursuant to the parties' discussions, the court's scheduling order shall be amended as follows:

3. The parties shall have until May 15, 2010, to complete fact discovery and to file discovery motions.
4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: Plaintiffs shall provide such information to Defendant by April 1, 2010. Defendant shall provide such information to Plaintiffs by May 7, 2010. Reports are to be served on other parties, but not filed with the court.
5. The parties shall have until June 20, 2010, to complete discovery depositions of expert witnesses.
10. The parties shall have until June 25, 2010, to file dispositive motions (summary judgment as to all or part of the case).

The court further **ORDERS** that the trial set for June 7, 2010, shall be rescheduled for

September 28, 2010, at 9:30 a.m. in Bismarck, North Dakota, before Judge Daniel L. Hovland. A seven (7) day trial is anticipated. Finally, the court **ORDERS** that the final pretrial conference set for May 25, 2010, shall be rescheduled for September 13, 2010, at 9:00 a.m. The conference shall be conducted via telephone conference call to be initiated by the court.

Dated this 18th day of November, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge