

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

Lonnie McPeak and Todd McPeak,)
d/b/a McPeak Partnership, Kevin Fettig,)
and Clay McPeak,)

Plaintiffs,)

vs.)

Cattleman's Choice Loomix, LLC,)

Defendant.)

ORDER

Case No. 1:08-cv-00097

Plaintiffs filed a Motion For Leave To Supplement Expert Disclosure and supporting brief with the court on October 1, 2010. Defendant filed a reply brief in opposition to plaintiffs' motion on October 8, 2010. The court reviewed the parties' submissions and held a phone conference on October 26, 2010 to discuss the pending motion and revisions to the scheduling order in this case. Consistent with the court's communication to the parties during the phone conference, the court will allow plaintiffs to supplement their expert witness disclosure, but orders that plaintiffs must make Mr. Bauer available for any subsequent deposition that defendant may request. Plaintiffs shall also be responsible for any of Mr. Bauer's fees that may arise in connection with an additional deposition. In addition, the parties have agreed upon, and the court adopts the following revisions to the scheduling order in this case:

1. Plaintiffs shall have until November 8, 2010, to supplement the expert witness report of Marc Bauer.
2. Defendant shall have until December 10, 2010, to provide expert witness disclosures and complete reports.

3. The dispositive motion deadline in this case will be December 17, 2010. Responses to dispositive motions are due January 12, 2011.
 - a. Defendant will be allowed a 20 page extension on its dispositive motion, if any. Plaintiffs will be allowed a similar extension in their response.
4. The discovery deadline in this case, including expert depositions will be February 1, 2011.

IT IS SO ORDERED.

Dated this 26th day of October, 2010.

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