

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

Williston Basin Interstate Pipeline)
Company,)
)
Plaintiff,)
)
vs.)
)
Factory Mutual Insurance Company,)
)
Defendant.)

ORDER ADOPTING STIPULATION

Case No. 1:09-cv-034

Before the court is the parties' Joint Motion to Revise Expert Witness Deposition Schedule and to Permit Limited Expert Opinion Supplementation. See Docket No. 203. In the motion, the parties state that they have discussed the need for supplemental expert witness reports, as well as some adjustments in expert witness designations, in order to simplify matters for trial and reduce the number of expert witnesses. Id. In addition, the parties are in agreement that due to the remaining briefing schedule and the upcoming holidays, they both require additional time to complete expert witness depositions and request an extension accordingly. Based upon the parties' agreement, and on good cause shown, the court hereby **GRANTS** the parties' joint motion, and **ORDERS** the following:

- a. The deadline for expert witness depositions is now February 25, 2011;
- b. Williston Basin is granted leave to serve a supplemental expert disclosure from Edwin Moritz on or before December 17, 2010;
- c. Factory Mutual is granted leave to serve, on or before January 21, 2011, an updated/supplemental expert disclosure of Kenneth Beckman in response to Mr. Moritz's updated/supplemental disclosure;

- d. Williston Basin is granted leave to withdraw the designation and report of Robert Carson, to designate Donald Bendure as an expert witness in place of Mr. Carson, and to provide an updated/supplemental report from Mr. Bendure by December 17, 2010, addressing the same subject matters of Mr. Carson's disclosure and providing any appropriate supplementation;
- e. Factory Mutual is granted leave to serve, on or before January 21, 2011, an updated/supplemental expert disclosure of Peter Hood in response to Mr. Bendure's updated/supplemental disclosure; and
- f. Any other or further supplementation of expert reports by previously disclosed experts shall be served by December 17, 2010, and any rebuttal to such supplementation by January 21, 2011.

IT IS SO ORDERED.

Dated this 2nd day of November, 2010.

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