

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

Berkley National Insurance Company )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 XTO Energy, Inc., )  
 )  
 Defendant, )  
 )  
 vs. )  
 )  
 Commerce and Industry Insurance )  
 Company, et al., )  
 )  
 Third-Party Defendants. )

**ORDER**

Case No. 1:18-cv-195

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Before the court is a “Joint Motion to Amend Scheduling Discovery Plan” filed by the parties on July 29, 2022. (Doc. No. 211). The court **GRANTS** the motion (Doc. No. 211) and amends the pretrial deadlines as follows:

1. All fact discovery will be completed by the following deadline, with all written discovery to be served a minimum of thirty (30) days prior to the deadline: December 2, 2022.
2. The parties shall have until December 9, 2022, to designate experts pursuant to Fed. R. Civ. P. 26.
3. The parties shall have until January 20, 2023, to designate rebuttal experts.
4. The parties shall have until February 10, 2023, to complete discovery depositions of expert witnesses.
5. The parties shall have until February 24, 2023, to file dispositive motions.

The ensure there is sufficient time to consider any dispositive motions that may be filed, the court, on its own motion, shall continue the final pretrial conference and trial in this matter. Accordingly,

the final pretrial conference scheduled for March 27, 2023, shall be rescheduled for October 3, 2023, at 9:00 AM by telephone. To participate in the conference, the parties should call (877) 810-9415 and enter access code 8992581. The jury trial set for April 24, 2023, shall be rescheduled for October 16, 2023, at 9:00 AM in Bismarck before Judge Hovland (Eagle courtroom). A five (5) day trial is anticipated.

**IT IS SO ORDERED.**

Dated this 1st day of August, 2022.

*/s/ Clare R. Hochhalter*  
Clare R. Hochhalter, Magistrate Judge  
United States District Court