

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

Linda Monson, and Ned Hermanson, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Zenergy, Inc., f/k/a Zinke & Trumbo, Inc., )  
 )  
 Defendant, Third-Party Plaintiff, )  
 )  
 vs. )  
 )  
 S.K. & S. Oilfield Services, Inc., )  
 )  
 Third-Party Defendant. )

**ORDER (AMENDED)**

Case No. 4:08-cv-091

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On January 28, 2010, the court entered an order (1) adopting the parties' Stipulation to Extend Deadline to Move to Sever or Bifurcate, and (2) extending the deadline to file motions to bifurcate, sever, or separate issues, claims, or parties for trial until fourteen days after it had ruled on the last of all dispositive motions. Upon further consideration, the court vacates its January 28, 2010, order and orders as follows:

1. The court **ADOPTS** the parties' stipulation in part. The parties shall have until November 15, 2010, to file motions to bifurcate, sever, or separate issues, claims, or parties for trial.
2. Responses to motions to bifurcate, sever, or separate issues, claims, or parties for trial shall be due 21 days following the filing of the motions and any replies are due 7 days following any responses.
3. The response to the pending motion of S.K. & S. Oilfield Services, Inc. to Sever

(Doc. No. 57) shall be due no later than 21 days following November 15, 2010, with any reply due 7 days after the response. If S.K. & S. Oilfield Services, Inc. wishes an earlier disposition, it should refile its motion.

The court appreciates the intent of the stipulation that it would make it may be easier to resolve these issues after the court rules on the dispositive motion, but, upon further reflection, the issues are better resolved with any dispositive motions. Also, there is no guarantee that the court will rule on the dispositive motions in time to brief these issues prior to trial.

Dated this 29th day of January, 2010.

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