

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

BNSF Railway Company,)
)
 Plaintiff,)
)
 vs.)
)
 Superior Grains, Inc.,)
)
 Defendant.)

ORDER

Case No. 4:09-cv-001

On July 29, 2009, the parties filed a stipulation wherein they agreed to an extension of the dispositive motion deadline as well as a continuance of trial. The court **ADOPTS** the parties stipulation. The trial, which is set to commence on October 20, 2009, shall be rescheduled for February 2, 2010, at 9:30 a.m. in Minot before Judge Hovland. A three day trial is anticipated. The final pretrial conference set for October 6, 2009, shall be rescheduled for Tuesday, January 19, 2009, at 9:00 a.m. via telephone conference call to be initiated by the court. Finally, the deadline for filing dispositive motions shall be extended until October 5, 2009.

IT IS SO ORDERED.

Dated this 31st day of July, 2009.

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