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

BNSF Railway Company,	)	
Plaintiff,	) ) )	ORDER (AMENDED)
VS.	)	
Superior Grains, Inc.,	) )	Case No. 4:09-cv-001
Defendant.	)	

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, 2010, 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 5th day of August, 2009.

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