

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

Daryl G. Peterson and Christine Peterson, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
Sagebrush Resources, LLC, )  
)  
Defendant. )

**ORDER**

Case No. 4:10-cv-061

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Plaintiffs initiated the above-entitled eviction action in state district with the service of a summons and complaint on or about July 27, 2010. In their summons they advised defendant that he was to appear in state district court on August 4, 2010, at 2:30 p.m.

Defendant removed the action to this court on August 3, 2010. Shortly thereafter, on August 12, 2010, plaintiffs filed a “Motion for Resistance and Request to Remand.” The court denied plaintiffs’ motion in an order dated September 10, 2010.

The issue now confronting the court is whether, in the spirit of the applicable state law, this matter should be expedited. Section 47-32-02 of the North Dakota Century Code states in relevant part that “[i]n any action for eviction the time specified in the summons for the appearance of the defendant may not be fewer than three nor more than fifteen days from the date on which the summons is issued.”

Given the particular circumstances of this case, the court shall dispense with its usual requirement that the parties confer in accordance with Rule 26(f) of the Federal Rules of Civil Procedure and submit a proposed scheduling/discovery plan. Instead, the court shall conduct a status conference with the parties via telephone on September 20, 2010, at 9:00 a.m. to discuss

scheduling matters and how the parties wish to proceed. The court shall initiate the conference call.

**IT IS SO ORDERED.**

Dated this 14th day of September, 2010.

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