

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWEST DIVISION

Greggory G. and Tommie S. Tank,)	
)	
Plaintiffs,)	
)	
v.)	Case No.4:10-CV-00088-CSM
)	
Burlington Resources Oil and Gas)	
Company LP, Murex Petroleum)	
Corporation,)	AMENDED JOINT
)	SCHEDULING/DISCOVERY PLAN
Defendants.)	
)	
)	
)	

SCHEDULING/DISCOVERY PLAN

Plaintiffs Greggory G. and Tommie S. Tank, Defendant Burlington Resources Oil and Gas Company LP, and Defendant Murex Petroleum hereby stipulate to a modification of the Joint Scheduling/Discovery Plan, adopted by the Court’s January 21, 2001 Order. Counsel for the parties have agreed upon the following:

1. The issues on which the parties need to conduct discovery are limited primarily to the issue of whether the subject lease should be cancelled and Murex’s counterclaim against Plaintiffs. The parties have agreed that discovery shall be generally limited to these general categories. If a party believes discovery is moving outside of these general categories beyond necessity, or is unreasonable, that party will object, and the parties will confer and consult in an effort to agree on an appropriate and reasonable scope of such discovery and to resolve any such disputes in a reasonable and efficient manner.

2. The parties shall have until September 15, 2012 to complete fact discovery and to file discovery motions.

3. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: The Plaintiffs will identify the names and subject matter of experts and provide expert reports by October 1, 2012. The Defendants will identify the names and subject matter of experts and provide expert reports by November 1, 2012.

4. The parties shall have until December 1, 2012 to complete discovery depositions of expert witnesses.

5. The parties shall have until December 15, 2012 to file other dispositive motions (summary judgment as to all or part of the case).

6. Each party shall serve no more than 30 interrogatories, including subparts, to any other party. Any interrogatories served prior to submission of this Amended Joint Scheduling/Discovery Plan count against this total. No broad contention interrogatories (i.e., "List all facts supporting your claim that. . .") shall be used.

7. Each side shall take no more than 10 discovery depositions.

8. Depositions taken for presentation at trial shall be completed 10 days before trial.

9. Counsel have discussed between themselves and explored with their clients early involvement in alternative dispute resolution. The following option(s) would be appropriate in this case:

arbitration

mediation (choose one):

_____ court-hosted early settlement conference-should the conference be held before a judge who will not be the trial judge?

_____ yes

_____ **early neutral evaluation** before (choose one):

_____ judge other than trial judge

_____ neutral technical expert

_____ neutral attorney

_____ other (specify) _____

_____ none (explain reasons) _____.

The parties shall be ready to evaluate the case for settlement purposes by _____ 2012.

10. The parties have voluntarily waived their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.

11. Trial of this case will be to a jury.

12. The estimated length of trial is 5 days.

/s/

Anthony J. Shaheen
HOLLAND & HART LLP
555 17th Street, Suite 3200
Denver, CO 80202
Phone: 303-295-8054
Fax: 303-291-9126
Email: AJShaheen@hollandhart.com
Attorneys for Burlington Northern Oil and Gas Co. LP

/s/

Lawrence Bender (ID 03908)
Amy De Kok (MN ID 0349951)
FREDRIKSON & BYRON, P.A.
200 N. 3rd. St., Ste 150
P.O. Box 1855
Bismarck, ND 58502-1855
Phone: 701-221-4020
Fax: 701-221-4040
Email: lbender@fredlaw.com
Attorneys for Murex Petroleum Corp.

/s/

Derrick Braaten (ID 06394)
BAUMSTARK BRAATEN LAW PARTNERS
222 North 4th Street
Bismarck, ND 58501-4004
Phone: 701-221-2911
Fax: 701-221-5842
Email: derrick@baumstarkbraaten.com
Attorneys for Gregory and Tommie Tank

ORDER

The parties amended scheduling/discovery plan is adopted with the following additions/modifications:

Dated this 15th day of June, 2012.

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