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

Plaintiffs, Defendants. Case No. 4:11-cv-051	David Houle and Becky Houle, et. al.,)
Central Power Electric Cooperative, Inc., (CPEC), et. al., Defendants. CPEC v. Case No. 4:09-cv-021 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-055 Case No. 4:11-cv-061 Case No. 4:11-cv-061 Case No. 4:11-cv-061 Case No. 4:11-cv-061 Case No. 4:11-cv-073 Case No. 4:11-cv-073 Case No. 4:11-cv-073 Case No. 4:11-cv-076 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-076 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-076 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-077 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-078 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-078 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-084 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-084 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-098 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-100 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-100 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-101 Case No. 4:11-cv-004 Case No. 4:11-cv-005 Case No. 4:11-cv-005 Case No. 4:11-cv-005 CPEC v. Plaintiff, Case No. 4:12-cv-005 Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-005 CPEC v. Plaintiff, Case No. 4:12-cv-005 CPEC v. Plaintiff, Case No. 4:12-cv-006		Dlaintiffa) ORDER
Central Power Electric Cooperative, Inc., (CPEC), et. al., Defendants. CPEC v. Plaintiff, Defendants. CREC v. Plaintiff, Defendants. CREC v. Plaintiff, Defendants. CREC v. Plaintiff, De		riamums,)
CPEC v.	VS.	•)
CPEC v.	Central Power Electric Cooperative Inc)
Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-055 Cecil L. Jeannotte, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-061 Corey J. Hall, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-073 Cecil L. Jeannotte, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-076 Howard Longie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-076 Howard Longie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-077 Estate of Marie M. Jeanotte, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-078 Donna M. Anderson, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-084 Pete Barnett, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-098 John E. Monette, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-100 Ophelia Dixon Navarro, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.)		, 1110.,) Case No. 4:09-ov-021
CPEC v. Plaintiff, Defendants.) Case No. 4:11-cv-055 Cecil L. Jeannotte, et. al., Defendants.) CPEC v. Plaintiff, Defendants.))
Cecil L. Jeannotte, et. al., CPEC v. Corey J. Hall, et. al., CPEC v. Plaintiff, Corey J. Hall, et. al., CPEC v. Plaintiff, Cose No. 4:11-cv-061 Case No. 4:11-cv-073 Cecil L. Jeannotte, et. al., CPEC v. Plaintiff, Case No. 4:11-cv-073 Cecil L. Jeannotte, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-078 Case No. 4:11-cv-078 Case No. 4:11-cv-084 Pete Barnett, et. al., Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-084 CPEC v. Plaintiff, Case No. 4:11-cv-098 CPEC v. Plaintiff, Case No. 4:11-cv-100 CPEC v. Plaintiff, Case No. 4:11-cv-100 CPEC v. Plaintiff, Case No. 4:11-cv-101		Defendants.	<u>)</u>
CPEC v. Plaintiff, Defendants.) Corey J. Hall, et. al., Defendants.) CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cy-055
Corey J. Hall, et. al., Defendants.) CPEC v. Plaintiff, Defendants.)	Cecil L. Jeannotte, et. al.,	Defendants.)
CPEC v. Plaintiff, Defendants.) Cecil L. Jeannotte, et. al., Defendants.) CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cy-061
Cecil L. Jeannotte, et. al., Defendants.) CPEC v. Plaintiff, Defendants.) CAse No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff, Defendants.) CPEC v. Plaintiff, Defendants.)	Corey J. Hall, et. al.,	Defendants.	
CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cv-073
Howard Longie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-077 Estate of Marie M. Jeanotte, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-078 Donna M. Anderson, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-084 Pete Barnett, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-098 John E. Monette, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-100 Ophelia Dixon Navarro, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.)	Cecil L. Jeannotte, et. al.,	Defendants.	
CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cy-076
Estate of Marie M. Jeanotte, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-078 Donna M. Anderson, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-084 Pete Barnett, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-098 John E. Monette, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-100 Ophelia Dixon Navarro, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.)	Howard Longie, et. al.,	Defendants.	_)
CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cv-077
Donna M. Anderson, et. al., Defendants. Pete Barnett, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-098 Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-100 Case No. 4:11-cv-100 Case No. 4:11-cv-101 Case No. 4:11-cv-101 Case No. 4:11-cv-101 Case No. 4:11-cv-101 Case No. 4:12-cv-004 Dustin Decoteau, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-004 Dustin Decoteau, et. al., CPEC v. Plaintiff, Case No. 4:12-cv-005 Wilkie, et. al., CPEC v. Plaintiff, Case No. 4:12-cv-005 Case No. 4:12-cv-005 Case No. 4:12-cv-006)
CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cy-078
Pete Barnett, et. al., CPEC v. Plaintiff, Defendants. Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-100 Case No. 4:11-cv-101 Case No. 4:12-cv-004 Dustin Decoteau, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-005 Wilkie, et. al., Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-005 Case No. 4:12-cv-005 Case No. 4:12-cv-006		Defendants.	_)
CPEC v. Plaintiff, Defendants.)		Plaintiff,) Case No. 4:11-cy-084
John E. Monette, et. al., CPEC v. Ophelia Dixon Navarro, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:11-cv-100 Case No. 4:11-cv-101 Case No. 4:12-cv-004 Dustin Decoteau, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-005 Defendants. CPEC v. Plaintiff, Defendants. Case No. 4:12-cv-005 Case No. 4:12-cv-005 Case No. 4:12-cv-005 Case No. 4:12-cv-006		Defendants.	
CPEC v. Plaintiff, Defendants.) CPEC v. Plaintiff, Case No. 4:11-cv-100 CPEC v. Plaintiff, Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff, Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff, Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff, Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff, Case No. 4:12-cv-006		Plaintiff,) Case No. 4:11-cy-098
Ophelia Dixon Navarro, et. al., CPEC v. Plaintiff, Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-004 Case No. 4:12-cv-005 Wilkie, et. al., Defendants. CPEC v. Plaintiff, Defendants. Case No. 4:12-cv-005 Case No. 4:12-cv-005 Wilkie, et. al., CPEC v. Plaintiff, Case No. 4:12-cv-005 Case No. 4:12-cv-006		Defendants.)
CPEC v. Plaintiff,) Case No. 4:11-cv-101 Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-006		Plaintiff,) Case No. 4:11-cy-100
Kimberly Blackwell, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.)	Ophelia Dixon Navarro, et. al.,	Defendants.)
CPEC v. Plaintiff,) Case No. 4:12-cv-004 Dustin Decoteau, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-006		Plaintiff,) Case No. 4:11-cy-101
Dustin Decoteau, et. al., Defendants. CPEC v. Plaintiff, Defendants. Defendants. CPEC v. Plaintiff, Defendants. Case No. 4:12-cv-005 Defendants. CPEC v. Plaintiff, Case No. 4:12-cv-005 Defendants. CPEC v.		Defendants.)
CPEC v. Plaintiff,) Case No. 4:12-cv-005 Wilkie, et. al., Defendants.) CPEC v. Plaintiff,) Case No. 4:12-cv-006		Plaintiff,) Case No. 4:12-cy-004
Wilkie, et. al., Defendants. Plaintiff, Case No. 4:12-cv-005 CPEC v. Plaintiff, Case No. 4:12-cv-006		Defendants.)
Wilkie, et. al., CPEC v. Defendants.) Case No. 4:12-cv-006		Plaintiff,) Case No. 4:12-cy-005
1 idilitii,) Case No. 4.12-cy-006		Defendants.)
		Plaintiff,) Case No. 4:12-cy-006
	Davis, et. al.,	Defendants.)

The court held a telephonic status conference with the parties in the above-entitled actions

on September 11, 2012. Pursuant to its discussion with the parties, the court **ORDERS**:

- (1) The "Motion to Limit Condemnation Action" filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 175) shall be deemed **MOOT** with the understanding that it may be refiled at a later date if necessary.
- (2) The "Motion to Compel" filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 167) shall be held in abeyance pending the court's next status conference with the parties.
- (3) The parties agree that, notwithstanding what Fed. R. Civ. P. 71.1 may require in this situation, that any claims for trespass damages that the court may allow can be tried with the condemnation damage claims in the above-captioned cases.
- (4) CPEC's "Motion[s] to Dismiss Claims, Other than Condemnation Objections and Defenses" (Case No. 4:09-cv-021, Docket No. 160; Case No. 4:11-cv-055, Docket No. 46; Case No. 4:11-cv-073, Docket No. 41; Case No. 4:11-cv-076, Docket No. 55; Case No. 4:11-cv-084, Docket No. 88 4:11-cv-101, Docket No. 45) shall be held in abeyance pending the court's next status conference with the parties.
- The "Motion for Partial Summary Judgment" filed by plaintiffs in Case No. 4:09-cv-021 (Docket No. 181) shall be held in abeyance pending court's next status conference with the parties.
- (6) The court shall conduct a status conference with the parties in the above-entitled actions by telephone on November 7, 2012, at 10:00 a.m. The court shall initiate the conference call.
- (7) All expert disclosures with the respect to the issue of use and necessity are due by

November 1, 2012.

(8) CPEC shall have until November 1, 2012, to disclose all of its appraisal testimony in Case Nos. 4:09-cv-21, 4:11-cv-055, 4:11-cv-073, 4:11-cv-076, 4:11-cv-084, and 4:11-cv-101. Responsive opinion testimony is due by December 1, 2012.

Dated this 12th day of September, 2012.

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