

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

Ross Eriksmoen, Inc., d/b/a/)	
T&R Transport,)	ORDER CONTINUING TRIAL AND
)	FINAL PRETRIAL CONFERENCE;
Plaintiff,)	EXTENDING DISCOVERY AND
)	BRIEFING DEADLINES
vs.)	
)	
Continental Resources, Inc.,)	Case No. 4:13-cv-107
)	
Defendant.)	

On April 3, 2015, the court held a telephone conference to discuss the status of the above-captioned case and the potential need to continue the existing trial date. Michael D. Nelson appeared on plaintiff’s behalf. Robert W. Dace appeared on defendant’s behalf. Based on the discussions during the call and during a status conference regarding a discovery dispute held on April 2, 2015 and on the status of the court’s calendar, the court determined it was necessary to continue the existing trial date. After the court made that decision, the parties agreed to extend certain discovery and briefing deadlines.

Accordingly, the court **ORDERS** that the jury trial set for September 14, 2015, is continued to May 2, 2016, at 9:30 a.m. in Bismarck before Judge Hovland. The case is set for ten (10) days of trial. The final pretrial conference set for September 1, 2015, is continued to April 19, 2016, at 11:00 a.m. by telephone before Judge Miller. The court will initiate the conference call.

In addition, the court **ORDERS** the existing Scheduling/Discovery Plan **AMENDED** as follows:

1. The parties shall have until January 8, 2016 to file any additional dispositive motions

(summary judgment as to all or part of the case). The summary judgment motions that have been filed (Docket Nos. 50 and 59) will remain pending for decision by Judge Hovland.

2. Defendant shall have until January 8, 2016 to refile a motion to amend its counterclaim to add a claim for punitive damages. Plaintiff shall file its response within twenty-one (21) days of the filing of defendant's motion. Defendant shall file its reply within fourteen (14) days of the filing of plaintiff's response. Defendant's pending "Motion to Amend Counterclaim to Add Exemplary Damages Claim" (Docket No. 31) will be terminated and the court will not consider the punitive damages issue until the motion is refiled.

Further, the parties are **ORDERED** to file a stipulation establishing new deadlines for fact discovery, expert witness disclosures, expert witness depositions, and any other necessary discovery deadlines. If the parties are unable to agree on these deadlines, they shall contact the court to request assistance establishing the deadlines.

Finally, the court **ORDERS** the existing briefing deadlines extended as follows:

1. Defendant shall have until April 20, 2015 to file its reply to Defendant's Motion for Sanctions for Spoliation (Docket No. 48).
2. Defendant shall have until June 1, 2015 to file its response to Plaintiff's Motion for Summary Judgment (Docket No. 59) and its reply to Defendant's Motion for Partial Summary Judgment (Docket No. 50).

IT IS SO ORDERED.

Dated this 3rd day of April, 2015.

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