

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Caterpillar Financial Services Corporation,	:	
	:	Civil Action 2:12-cv-0077
Plaintiff	:	Judge Marbley
v.	:	Magistrate Judge Abel
C & D Disposal Technologies, <i>et al.</i> ,	:	
	:	
Defendants	:	

**Amended Scheduling Order**

On October 5, 2012, counsel for plaintiff Caterpillar and defendants W5 Group, LLC and Waldorf Holding Corporation participated in a telephone status and scheduling conference with the Magistrate Judge.

Caterpillar has recovered 6 of the 7 units. Defendants W5 Group, LLC and Waldorf Holding Corporation, although they don't have access to the landfill, have been assisting Caterpillar and are attempting to determine the location of the seventh piece of equipment.

Caterpillar is cleaning the equipment and preparing it for sale. Caterpillar estimates it will take at least six months to sell all seven units. Counsel believe that the market for this type of equipment is softening; and it is more difficult to sell the equipment during the winter months.

Neither Caterpillar or defendants W5 Group, LLC and Waldorf Holding Corporation, who are guarantors of the contract, want to spend money further briefing defend-

ants' March 8, 2012 motion to dismiss for want of personal jurisdiction (doc. 8). They hope that the proceeds of the sale of the seven units will completely pay off the amounts due Caterpillar or result in a small deficiency and that the parties could then negotiate a settlement. They believe this lawsuit can be resolved by the sale of the equipment/settlement by March 31, 2013 or shortly thereafter.

To facilitate resolution of this lawsuit, the parties agree that defendants' March 8, 2012 motion to dismiss (doc. 8) can be administratively terminated with the right of defendants to file a notice reinstating the motion after March 31, 2013 if this lawsuit has not then been resolved.

Accordingly, the Clerk of Court is DIRECTED to terminate defendants' March 8, 2012 motion to dismiss (doc. 8). If this case is not resolved by the sale of the equipment or settlement by March 31, 2013, they by notice filed no later than June 30, 2013 defendants may reinstate their motion to dismiss.

s/Mark R. Abel  
United States Magistrate Judge