

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**Rural Water District No. 2, Creek County,
Oklahoma, an agency and legally constituted
authority of the State of Oklahoma,**

Plaintiff,

v.

**City of Glenpool, an Oklahoma
municipality and the Glenpool
Utility Services Authority, a
public trust,**

Defendants.

Case No. 11-CV-441-JHP-PJC

OPINION AND ORDER

Now before the Court is Defendant’s Unopposed Motion for Clarification Regarding Motions in Limine Response and Reply Deadlines.

The parties notified the Court this case had settled on August 21, 2014, and an Administrative Closing Order was entered. (Dkt. # 108). The Scheduling Order in place when this case was administratively closed on August 21, 2014, had transpired past all deadlines for Motions in Limine and Daubert Motions. In fact, on August 21, 2014, Motions in Limine and Daubert Motions had already been filed pursuant to the Scheduling Order deadline of August 5, 2014.(Dkt.# 44).

When settlement negotiations failed, the Court reopened the case and entered a new Scheduling Order on April 1, 2015. (Dkt.# 128). The Court’s April 1, 2015 Scheduling Order merely reinstated the case at the point it had been administratively closed on August 21, 2014, and clearly stated that all motions in Limine and Daubert Motions had been filed. (Dkt.# 128). The Court entered an additional Order on April 1, 2105 (Dkt.# 129), stating that “Due to the case being reopened,the parties are directed to file a notice with the court identifying which **previously** filed motions should be reinstated (Dkt.# 129)(emphasis added). The parties filed a

Joint Statement of Pending Motions on April 3, 2015. (Dkt.# 131). Based on the filing of the Joint Statement of Pending Motions, the Court reinstated the **previously** filed motions and set response and reply deadlines (Dkt.# 132)(emphasis added).

Therefore, it is clear the April 1, 2015 Scheduling Order did not contemplate additional motions in limine, or Daubert motions, as those deadlines had long since transpired. In fact, at the point the parties represented to the Court the case had settled on August 21, 2014, and the Administrative Closing Order was entered, the case had been on file **since July 14, 2011**, and **was less than a month** before the contemplated trial date of September 16, 2014. (emphasis added).

Accordingly, the Court grants the Defendant's Unopposed Motion for Clarification Regarding Motions in Limine Response and Reply Deadlines and strikes Dkt.#s 140, 142, 143, 144 and 148 as untimely.

IT IS SO ORDERED this 7th day of May, 2015.


James H. Payne
United States District Judge
Northern District of Oklahoma