

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CSX TRANSPORTATION CO. : CIVIL ACTION
: :
v. : :
: :
NOVOLOG BUCKS COUNTY : NO. 04-4018

ORDER

AND NOW, this 14th day of December 2009, after consideration of plaintiff CSX Transportation Co.'s motion for partial summary judgment, defendant Novolog Bucks County's response in opposition thereto and defendant's motion to strike, and plaintiff's reply to defendant's response in opposition, which by Order dated November 2, 2009, is also considered plaintiff's opposition to defendant's motion to strike, it is hereby ORDERED that defendant's motion to strike is DENIED, plaintiff's motion for partial summary judgment is DENIED and defendant's requests for sanctions are DENIED.

It is further ORDERED that:

1. Defendant may take the deposition of Robert Yarlott but must do so within twenty-eight (28) days from the date of this Order.
2. This case is listed for trial on Monday February 22, 2010 at 10:00 A.M. in Courtroom 4-A, U.S. Courthouse, Philadelphia, PA.
3. All motions in limine shall be filed on or before January 11, 2010 and responses thereto shall be filed on or before January 25, 2010.
4. The parties may supplement their pretrial memoranda but shall do so on or before January 25, 2010.

Counsel should inform my Chambers (215-597-2750) within fourteen (14) days from the date of this Order if a settlement conference with Magistrate Judge Restrepo might be productive.

/s/ Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.