

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICKY B. PERRITT, Individually; §
THE CUPCAKERY, LLC, a Texas Limited §
Liability Company; BUSTER BAKING, §
LLC, a Texas Limited Liability Company; §
THE WOODLANDS BAKING, LLC, §
a Texas Limited Liability Company; §
CUSTOM VERSION CORPORATION, §
a Texas Corporation §

Plaintiffs, §

Civil Action No. 4:11-CV-23

v. §

PAMELA F. JENKINS, Individually; and §
THE CUPCAKERY LLC, a Nevada §
Limited Liability Company §

Defendants. §

UNOPPOSED MOTION TO AMEND SCHEDULING/DOCKET CONTROL ORDER

Plaintiffs RICKY B. PERRITT, Individually, THE CUPCAKERY, LLC, a Texas Limited Liability Company, BUSTER BAKING, LLC, a Texas Limited Liability Company, THE WOODLANDS BAKING, LLC, a Texas Limited Liability Company, and CUSTOM VERSION CORPORATION, a Texas Corporation, by and through their attorneys, hereby file this Unopposed Motion to Amend the Scheduling/Docket Control Order in this case (Docket No. 67).

Plaintiffs request that all remaining deadlines (with the exception of the deadline to complete required mediation) contained in the Scheduling/Docket Control Order (Docket No. 67) be extended by ten weeks respectively so that they fall in the same order. Specifically, Plaintiffs seek an extension of:

- (1) The deadline to exchange privilege logs to October 17, 2011;
- (2) The deadline to designate expert witnesses and reports on issues for which the party bears the burden of proof to November 16, 2011;
- (3) The deadline to designate expert witnesses and reports on issues for which the party does not bear the burden of proof to December 16, 2011;
- (4) The deadline to file any objections to or motions to strike or exclude expert testimony to January 30, 2012;
- (5) The discovery deadline to January 16, 2012;
- (6) The deadline for dispositive motions to January 30, 2012;
- (7) The deadline for pretrial disclosures to March 16, 2012;
- (8) The deadline to file pretrial materials to April 16, 2012; and
- (9) Pretrial conference and trial setting at a date and time set at the Court's convenience on or after May 14, 2012.

Plaintiffs do not wish to amend the deadline to complete required mediation which should remain November 14, 2011. Plaintiffs submit that the interests of justice will be served and that good cause is shown by extending all remaining deadlines so that the parties can attempt to settle the case before incurring significant costs associated with preparing for trial by participating in Court-ordered mediation on or before November 14, 2011. Defendants, by and through their counsel, do not oppose the relief requested in this motion.

Accordingly, Plaintiffs seek modification of the Scheduling/Docket Control Order extending all remaining deadlines (with the exception of the deadline to complete required mediation) ten weeks.

Respectfully submitted,

SIEBMAN, BURG, PHILLIPS & SMITH, LLP

/s/ Stephanie R. Barnes

CLYDE M. SIEBMAN

State Bar No. 18341600

BRYAN H. BURG

State Bar No. 03374500

STEPHANIE R. BARNES

State Bar No. 24045696

Federal Courthouse Square

300 North Travis Street

Sherman, Texas 75090

Telephone: (903) 870-0070

Facsimile: (903) 870-0066

clydesiebman@siebman.com

bryanburg@siebman.com

stephaniebarnes@siebman.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of August, 2011, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ Stephanie R. Barnes