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Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

TAD and GINGER McGEER, husband and)
wife; RAVI VEDANAYAGAM and URSULA)
LUCKERT, husband and wife; and BEN F. and)
LELA M. BUSH, husband and wife,)

No. 3:09-cv-05330-BHS

Plaintiff,

vs.

ORDER ON PLAINTIFFS' MOTION TO
CONTINUE TRIAL DATE AND JOINT
REQUEST OF PARTIES TO AMEND
SCHEDULING ORDER

BNSF RAILWAY COMPANY, commonly)
known as THE BURLINGTON NORTHERN)
SANTA FE RAILWAY, a Delaware)
corporation doing business in the State of)
Washington ; and HARSCO CORPORATION,)
a Delaware corporation doing business in the)
State of Washington,)

Defendant.

Upon Plaintiffs' Motion To Continue Trial Date (Ct. Rec. 40) and the joint request of the parties to amend the scheduling order as set forth in Defendants' Response to Plaintiff's Motion (Ct. Rec. 42) IT IS ORDERED as follows:

1. Plaintiffs' Motion To Continue Trial Date is GRANTED.
2. A new trial date will be set at such time as the Washington Supreme Court has issued its ruling on the certification issues pending in the matter of Jongeward, et

[PROPOSED] ORDER ON PLAINTIFFS'
MOTION TO CONTINUE TRIAL
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09-05330-BHS

PAINÉ HAMBLÉN LLP
701 E. FRONT AVE., #101
COEUR D'ALENE, ID 83814
PHONE (509) 455-6000

1 al. v. BNSF Railway Company, Cause No. 2:09-cv-00010-RMP, United States
2 District Court – Eastern District of Washington.

- 3 3. While the certification issue is pending in the Jongeward matter, discovery in the
4 present case will continue according to the following schedule:
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6 a. The depositions of all parties and fact witnesses will be completed
7 by June 30, 2011;
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9 b. Defendants shall disclose experts in accordance with FRCP 26 by
10 August 31, 2011;
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12 c. Rebuttal experts will be disclosed in accordance with FRCP 26 by
13 October 14, 2011;
14
15 d. Discovery will be completed by October 31, 2011.
- 16 4. All other deadlines contained in the Court's Order of September 8, 2010 (Ct. Rec.
17 34), related to pretrial motions, settlement conferences, mediation, other pretrial
18 submissions, the final pretrial conference and trial are vacated pending a new trial
19 setting following resolution of the certification issues.

20 IT IS SO ORDERED this 9th day of March 2011.

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22
23 BENJAMIN H. SETTLE
24 US District Court Judge
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