

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Monty Ross, and all others similarly)
situated under 29 USC 216(b),)
)
Plaintiff,)
)
vs.)
Heller Casing Service, Inc. and Casey)
Heller, individually,)
)
Defendants.)

ORDER

Case No. 1:16-cv-352

At the parties request the court stayed the above-entitled action until July 6, 2018. In addition, it directed the parties to file Status Report and, if no settlement was reached, a Joint Discovery and Case Management Plan by July 13, 2018. (Doc. No. 44).

On July 23, 2018, the parties submitted a proposed scheduling/discovery plan for the court’s consideration. Accordingly, the court lifts the stay, **ADOPTS** the parties’ scheduling/discovery plan, and **ORDERS**:

1. The parties shall have until January 24, 2019, to complete fact discovery and until February 7, 2019, to file discovery motions.
2. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:
 - a. Plaintiff shall designate experts and provide expert reports by November 26, 2018; and
 - b. Defendants shall designate experts and provide expert reports by December 10, 2018.

3. The parties shall have until May 24, 2019, to complete discovery depositions of expert witnesses.
4. The parties shall have until October 23, 2018, to move to join additional parties.
5. The parties shall have until October 23, 2018, to move to amend the pleadings to add claims or defenses.
6. The parties shall have until January 24, 2019, to file other nondispositive motion (e.g., consolidation, bifurcation).
7. The parties shall have until September 24, 2018, to file threshold motions (e.g., jurisdiction, qualified immunity, statute of limitations). Discovery shall not be stayed during the pendency of such motions.
8. The parties shall have until April 24, 2019, to file other dispositive motions (summary judgment as to all or part of the case).
9. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., “List all facts supporting your claim that . . .”) shall be used.
10. Each side shall take no more than 10 discovery depositions.
11. Depositions taken for presentation at trial shall be completed 60 days prior to trial.

The court further **ORDERS** that the final pretrial conference scheduled for September 11, 2018, shall be rescheduled for September 18, 2019, at 11:00 a.m. by telephone before the magistrate judge. The court shall initiate the conference call. Finally, the court **ORDERS** that the jury trial scheduled for September 24, 2018, shall be rescheduled for September 30, 2019, at 9:00 a.m. in Bismarck Courtroom 1 before Chief Judge Daniel L. Hovland. A five (5) day trial is anticipated.

IT IS SO ORDERED.

Dated this 25th day of July, 2018.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr., Magistrate Judge
United States District Court