



## GLENCORE

2005 | Cited 0 times | S.D. Alabama | December 15, 2005

### AMENDED RULE 16(b) SCHEDULING ORDER

Pending before this court is a Motion and Incorporated Memorandum to Continue Discovery Deadline and Pre-trial Conference filed by plaintiff on December 14, 2005 (doc.45). For cause, plaintiff states that the impact of Hurricane Katrina and its aftermath forced the evacuation of New Orleans, Louisiana, from August 29, 2005, through November 7, 2005, and has seriously impeded efforts to depose witnesses and to attend to relevant legal matters. Id.

Plaintiff does not specify which particular deadlines need be extended, nor does plaintiff request a time certain. Plaintiff states that "[i]t is anticipated that the depositions which are necessary to prepare this case for trial can be scheduled and taken within the next two months . . ." Id.

This court notes that the Discovery Completion Date was originally October 31, 2005, allowing seven months for discovery, a month longer than this court generally allows (doc.25, item 2). On September 30, 2005, this court, at the parties' request, extended the Discovery Completion Date to December 30, 2005 (doc.41, item 2). The Pretrial Conference is scheduled to be conducted on January 23, 2005 (doc.44).

After consideration thereof, and in light of the time for discovery which has already been afforded, this court finds that the request is somewhat extreme. However, for good cause shown, the Motion is hereby GRANTED.

Accordingly, it is ORDERED that this court's Rule 16(b) Scheduling Order (doc.25, as amended by docs. 33, 35, and 41), be and is hereby AMENDED as follows:

**2. DISCOVERY COMPLETION DATE.** All discovery is to be completed on or before March 1, 2006. Requests for extension will be viewed with great disfavor and will not be considered except upon a showing (1) that extraordinary circumstances required it and (2) that the parties have diligently pursued discovery.

For all actions, "completed" means that all depositions have been taken; interrogatories, requests for admission, and requests for production filed and responded to; physical inspections and testing concluded; physical and mental examinations concluded; and any motion to compel filed.

**4. EXPERT TESTIMONY.** Disclosure requirements under Fed.R.Civ.P. 26(a)(2)(B) shall apply to ALL



experts, whether retained or otherwise. Disclosure of expert testimony is to be made by the plaintiff on or before January 25, 2006, and by the defendant on or before February 8, 2006, with a copy to the court.

5. SUPPLEMENTATION. Supplementation of disclosures and responses as required by Fed.R.Civ.P. 26(e) is to be accomplished "at appropriate intervals" and "seasonably." In addition, by plaintiff and by defendant on or before March 15, 2006.

NO SUPPLEMENTATION OF EXPERT REPORTS ALLOWED.

8. DISPOSITIVE MOTIONS CUT-OFF DATE. All potentially dispositive motions should be filed on or before March 15, 2006. (See paragraph 12.)

9. WITNESSES. The disclosure of witnesses, to the court and opposing counsel, as required by Fed.R.Civ.P. 26(a)(3)(A) and (B), must be accomplished as soon as known, and for others disclosed by discovery, as soon as known but not later than March 15, 2006, this includes witnesses to be used for impeachment or rebuttal which can be reasonably anticipated, save and except experts. This is supplemental to Rule 26(a)(1)(3)(A). TO BE HAND DELIVERED

Exhibit lists including demonstrative evidence such as diagrams, charts, etc., used in opening statements but not offered as evidence, are to be filed with the court and opposing counsel on or before March 15, 2006.

Objections should be filed with the court and opposing counsel on or before March 29, 2006. All other aspects of this court's Rule 16(b) Scheduling Order (doc.25, as amended by docs. 33, 35, and 41), remain in effect.

The Pretrial Conference scheduled for January 23, 2006, is hereby CONTINUED to be rescheduled at a later date. The parties will be notified.

THE PARTIES ARE HEREBY FOREWARNED THAT NO FURTHER DISCOVERY EXTENSIONS WILL BE GRANTED, SAVE AND EXCEPT UPON A SHOWING OF EXIGENT CIRCUMSTANCES.