

GLR/byk

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

SHERYL GRANVILLE and  
FRED GRANVILLE,

Plaintiffs,

Civil Action

vs.

No. 03-2639-JWL-GLR

REXALL SUNDOWN, INC.,  
et al.,

Defendants.

**FOURTH AMENDED SCHEDULING ORDER**

This matter is before the Court on the parties' Joint Motion for Reconsideration of Motion to Amend Scheduling Order (doc. 54). The parties request that the Court reconsider its July 28, 2005 docket entry Order granting in part and denying in part the parties' Joint Motion to Amend Scheduling Order (doc. 53) wherein the Court extended the discovery cutoff deadline by two weeks but otherwise denied the motion.

In light of the additional detail provided by the parties' motion showing the necessity for the requested extensions, the Court finds that good cause exists to extend the deadlines as requested by the parties. The Court will therefore grant the parties' Joint Motion for Reconsideration of Motion to Amend Scheduling Order. The following Scheduling Order deadlines are amended as follows:

1. All discovery shall be commenced or served in time to be completed by **September 30, 2005**.
2. With the approval of the District Judge, all dispositive motions and motions to exclude

testimony of expert witnesses pursuant to Fed. R. Evid. 702-05, *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, shall be filed no later than **October 7, 2005**.

3. The final pretrial conference is continued to **October 4, 2005 at 2:00 p.m.** before the undersigned magistrate judge. Counsel for the parties should report to Room #219 in United States Courthouse, 500 State Avenue, Kansas City, Kansas for the pretrial conference. No later than **September 27, 2005**, the parties shall e-mail their proposed pretrial order (formatted as a WordPerfect document) to [\*\*Ksd Rushfelt chambers@ksd.uscourts.gov\*\*](mailto:Ksd_Rushfelt_chambers@ksd.uscourts.gov).
4. With the approval of the District Judge, the case is removed from the Court's January 3, 2005 docket and set for trial on the Court's docket beginning on **March 7, 2006 at 9:30 a.m.**

This Fourth Amended Scheduling Order shall not be modified except by leave of court upon a showing of good cause.

**IT IS THEREFORE ORDERED THAT** the parties' Joint Motion for Reconsideration of Motion to Amend Scheduling Order (doc. 54) is granted as set forth herein.

**IT IS FURTHER ORDERED THAT** the parties' Joint Motion for Hearing on Motion for Reconsideration of Motion to Amend Scheduling Order (doc. 55) is denied as moot.

IT IS SO ORDERED.

Dated at Kansas City, Kansas on this 4th day of August, 2005.

s/ Gerald L. Rushfelt \_\_\_\_\_  
Gerald L. Rushfelt

UNITED STATES MAGISTRATE JUDGE

cc: All counsel