

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

ICE CORPORATION, a Kansas Corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-4135-JAR
)	
HAMILTON SUNDSTRAND CORPORATION,)	
)	
and)	
)	
RATIER-FIGEAC, S.A.S., a French Corporation,)	
)	
Defendants.)	

ORDER

On May 30, 2007, the court held a status conference with the parties.¹ During this conference the court amended the parties' scheduling order as indicated below:

(1) **Discovery:** Any limited discovery which is the subject of any pending motion before the court is to be completed by **July 18, 2007**. This new deadline does not extend the deadlines established by the court in its previous orders.²

However, upon agreement of the parties, as to defendants' compliance with the court's Memorandum and Order (Doc. 208) and Memorandum and Order (Doc. 230) the following deadlines have been modified:

(A) Defendants will overnight all responsive documents as ordered in Doc. 208 and Doc. 230 by the night of June 6, 2007 so that plaintiff will receive documents by the morning of June

¹See Minute Entry (Doc. 276).

²See Memorandum and Order (Doc. 208); Memorandum and Order (Doc. 230); Memorandum and Order (Doc. 255)(requiring Ratier's 30(b)(6) witness depositions to occur by **July 5, 2007**); Memorandum and Order (Doc. 265)(requiring plaintiff to respond to certain discovery requests by **June 14, 2007**).

7, 2007.

(B) By June 1, 2007, defendants will answer plaintiff's interrogatories as ordered in Doc. 208.³

Should a party believe that further discovery not currently the subject of a pending motion is warranted, the parties should make a reasonable effort to confer so as to resolve this issue. If the parties are unable to resolve this dispute, the party seeking further and separate discovery may file a motion to extend discovery so as to address that separate issue. The court, however, discourages this practice.

The court reminds the parties that unopposed discovery may continue after the deadline for completion of discovery so long as it does not delay the briefing of or ruling on dispositive motions, or other pretrial preparations. Under these circumstances, the parties may conduct discovery beyond the deadline for completion of discovery if all parties are in agreement to do so.

(2) **Final Pretrial Conference:** Pursuant to Fed. R. Civ. P. 16(d), a final pretrial conference is scheduled for **July 26, 2007 at 10:00 a.m.** in the U.S. Courthouse, Room 470, 444 SE Quincy, Topeka, Kansas. Unless otherwise notified, the undersigned magistrate judge will conduct the conference. No later than **July 19, 2007**, defendants shall submit the parties' proposed pretrial order (formatted in WordPerfect 9.0, or earlier version) as an attachment to an e-mail sent to *ksd_sebelius_chambers@ksd.uscourts.gov*.

The proposed pretrial order shall not be filed with the Clerk's Office. It shall be in the

³This does not include the portions of Interrogatory No. 15 at issue in defendants' Motion to Clarify (Doc. 232).

form available on the court's website (www.ksd.uscourts.gov), and the parties shall affix their signatures according to the procedures governing multiple signatures set forth in paragraphs II(C)(2)(a) & (b) of the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases*.

(3) **Dispositive Motion:** All other potentially dispositive motions (e.g., motions for summary judgment) shall be filed by **August 15, 2007**.

Also pending before the court are defendants' Motion for Order to Extend Deadlines for Filing Dispositive Motions and Pretrial Order, to Reset Pretrial Conference and for Telephone Status (Doc. 224) and defendants' Unopposed Motion for Order that Discovery Remain Open Past May 16, 2007 and for the Purpose of Completing Deposition of Dr. Myron Kayton (Doc. 226).

As the court has extended the discovery deadline, final pretrial conference and dispositive motion deadline, the court finds these motions moot. Plaintiff has indicated that it does not oppose the taking of Dr. Kayton's deposition, but would oppose extending discovery if such an extension would impact the parties' trial date. In light of the above granted extensions, the court finds such a concern moot. As a result, the parties are permitted to conduct Dr. Kayton's deposition before the July 18, 2007 discovery cutoff.

Accordingly,

IT IS ORDERED that defendants' Motion for Order to Extend Deadlines for Filing Dispositive Motions and Pretrial Order, to Reset Pretrial Conference and for Telephone Status (Doc. 224) and defendants' Unopposed Motion for Order that Discovery Remain Open Past May 16, 2007 for the Purpose of Completing Deposition of Dr. Myron Kayton (Doc. 226) are granted

to the extent consistent with this Order.

IT IS SO ORDERED.

Dated this 30th day of May, 2007, at Topeka, Kansas.

s. K Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge