

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

CONTINENTAL INTERMODAL)	
GROUP – TRUCKING LLC)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:18-cv-00147-DC
)	
SAND REVOLUTION LLC,)	
SAND REVOLUTION II, LLC)	
)	
Defendants.)	

JOINT MOTION TO AMEND THE SCHEDULING ORDER

Plaintiff Continental Intermodal Group – Trucking LLC (“CIG”) and Defendants Sand Revolution LLC and Sand Revolution II, LLC (collectively “Sand Revolution”) respectfully submit this Joint Motion to Amend the Court’s Scheduling Order (Dkt. No. 100). Counsel for the parties met and conferred regarding the below proposal on April 17, 2020, and believe good cause exists for the modification, as it would benefit and prevent prejudice to the parties, and best enable the efficient administration of this case.

The parties respectfully request that the following deadlines from the Court’s Scheduling Order (Dkt. No. 95) be modified in the manner shown below.

Event	Current Date	Extended Date
Close of Fact Discovery	May 1, 2020 (Fri)	July 24, 2020 (Fri)
File Designation of Expert Witnesses (issues on which a party has the burden of proof) Serve Opening Expert Reports (issues on which a party has the burden of proof)	May 15, 2020 (Fri)	July 31, 2020 (Fri)

Event	Current Date	Extended Date
File Designation of Rebuttal Expert Witnesses Serve Rebuttal Expert Reports	June 19, 2020 (Fri)	September 4, 2020 (Fri)
Close of Expert Discovery	July 17, 2020 (Fri)	October 2, 2020 (Fri)
Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.	July 21, 2020 (Tues)	October 6, 2020 (Tues)
Dispositive and Daubert Motions	August 14, 2020 (Fri)	October 30, 2020 (Fri)
Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, designations)	August 14, 2020 (Fri)	October 30, 2020 (Fri)
Serve objections to pretrial disclosures/rebuttal disclosures	August 28, 2020 (Fri)	November 13, 2020 (Fri)
Serve objections to rebuttal disclosures and File Motion <i>in limine</i>	September 11, 2020 (Fri)	December 4, 2020 (Fri)
Responses to Dispositive and Daubert Motions	September 11, 2020 (Fri)	December 4, 2020 (Fri)
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, designations); file oppositions to motions <i>in limine</i>	September 24, 2020 (Thurs)	December 17, 2020 (Thurs)
Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>	October 1, 2020 (Thurs)	December 23, 2020 (Wed)
Replies in Support of Dispositive and Daubert Motions	September 25, 2020 (Fri)	December 18, 2020 (Fri)

Event	Current Date	Extended Date
File Joint Notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i>	October 13, 2020 (Tues)	January 8, 2021 (Fri)
Final Pretrial Conference	October 15, 2020 (Thurs)	January 13, 2021 (Wed)
Jury Selection/Trial	November 9, 2020 (or as available)	February 8, 2021 (or as available)

In support of the requested extension, the Parties state the following:

1. In view of the current COVID-19 health crisis, the Parties have mutually agreed to extend the schedule in order to postpone depositions until it is safe to travel and have also agreed to continue to produce requested documents and cooperate to keep discovery moving forward. At this time, the Parties have attorneys and witnesses that have been potentially exposed more than most, and to limit further exposure, the Parties agree that travel should be restricted.
2. Aside from the current health concerns, the proposed dates will also allow the Parties to schedule remaining party depositions, which includes fact and 30(b)(6) depositions in multiple locations.
3. Given the uniqueness of the circumstances, the Parties understand that their ability to complete certain tasks is and may remain unpredictable. As such, counsel have agreed to meet and confer periodically to ensure that the Parties are prepared to resume depositions and travel-based activities as soon as it is reasonable to do so, and to otherwise evaluate the ongoing reasonableness of the schedule in light of the health crisis.
4. This requested extension is timely as none of the deadlines that are the subject of this proposed extension have yet to pass.

5. The Parties submit that good cause exists for the extension. The Parties request the extension in good faith and not for the purpose of delay. Counsel for the Parties have agreed to the requested extension and no opposition to the request will be filed.

6. Because the Parties have reached an agreement on the extended case deadlines as set forth above, they jointly request that the Court enter the attached proposed Order Amending Scheduling Order.

WHEREFORE, the Parties respectfully request that this Court grant this Joint Motion and extend the deadlines as set forth in the attached proposed Order Amending Scheduling Order, and grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED, April 27, 2020.

CLAYTON, MCKAY & BAILEY, PC

/s/ Armon B. Shahdadi

Benjamin D. Bailey (admitted *pro hac vice*)
Armon B. Shahdadi (admitted *pro hac vice*)
Manoj S. Gandhi (TX Bar No. 24055518)
J. Josh Clayton (admitted *pro hac vice*)
Brannon C. McKay (admitted *pro hac vice*)
Clayton, McKay & Bailey, PC
800 Battery Ave. SE, Ste. 100
Atlanta, GA 30339
Telephone: (404) 353-1628
Facsimile: (404) 704-0670
armon@cmblaw.com
manoj@cmblaw.com
josh@cmblaw.com
brannon@cmblaw.com
ben@cmblaw.com

Michael C. Smith (TX Bar No. 18650410)
Siebman, Forrest, Burg & Smith, LLP
113 E. Austin Street
Marshall, TX 75670
Telephone: (903) 938-8900
michaelsmith@siebman.com

James D. Stein (admitted *pro hac vice*)
Lee & Hayes, P.C.
75 14th Street NE, Ste. 2500
Atlanta, GA 30309
Telephone: (404) 736-1918
Facsimile: (509) 323-8979
james.stein@leehayes.com

Sarah E. Elsdén (admitted *pro hac vice*)
Lee & Hayes, P.C.
601 W. Riverside Ave., Ste. 1400
Spokane, WA 99201
Telephone: (509) 944-4682
Facsimile: (509) 323-8979
sarah.elsden@leehayes.com

Counsel for Defendants

LATHROP GPM LLP

/s/ Travis W. McCallon

Travis W. McCallon (admitted *pro hac vice*)
Luke M. Meriwether (admitted *pro hac vice*)
Eric D. Sidler (admitted *pro hac vice*)
2345 Grand Boulevard, Suite 2200
Kansas City, MO 64108
Tel: 816.292.2000
Fax: 816.292.2001
travis.mccallon@lathropgpm.com
luke.meriwether@lathropgpm.com
eric.sidler@lathropgpm.com

Andrew Harper Estes (TX Bar #00000083)
Lisa K. Hooper (TX Bar #24047282)
LYNCH, CHAPPELL & ALSUP
300 N. Marienfeld
Suite 700
Midland, TX 79701
Tel: 432.683.3351
Fax: 432.683.2587
hestes@lcalawfirm.com
lhooper@lcalawfirm.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 27, 2020, a true and correct copy of the above and foregoing was filed with the Clerk of Court using the CM/ECF system with service upon all counsel of record via the Court's notice of electronic filing.

/s/ Armon B. Shahdadi