

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

|                                      |   |                             |
|--------------------------------------|---|-----------------------------|
| In re:                               | ) | Chapter 11                  |
|                                      | ) |                             |
| SEMCRUDE, L.P., <u>et al.</u> ,      | ) | Case No. 08-11525 (BLS)     |
|                                      | ) |                             |
| Debtors.                             | ) | Jointly Administered        |
|                                      | ) |                             |
| <hr/>                                |   |                             |
| BETTINA WHYTE, LITIGATION            | ) |                             |
| TRUSTEE, on behalf of the Litigation | ) |                             |
| Trust,                               | ) |                             |
|                                      | ) | Adversary No. 09-50189(BLS) |
| Plaintiff,                           | ) |                             |
| v.                                   | ) |                             |
|                                      | ) |                             |
| THOMAS L. KIVISTO, GREGORY C.        | ) |                             |
| WALLACE, WESTBACK                    | ) |                             |
| PURCHASING CO., LLC., BRENT          | ) |                             |
| COOPER, KEVIN L. FOXX                | ) |                             |
| and ALEX G. STALLINGS,               | ) |                             |
|                                      | ) |                             |
| Defendants.                          | ) |                             |
|                                      | ) |                             |
| <hr/>                                |   |                             |

**PRETRIAL SCHEDULING ORDER**

Upon consideration of the Rule 26(f) Joint Status Report and Discovery Plan dated December 30, 2009, the Joint Case Management Statement dated January 19, 2010, and the Certification of Counsel dated January 26, 2010, in the above-captioned Adversary Proceeding; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT, in order to promote the efficient and expeditious disposition of the above-captioned Adversary Proceeding, this Court sets the following schedule to govern the pretrial proceedings therein:

1. Any additional parties shall be joined no later than March 1, 2010.

2. The Litigation Trustee and the Debtor shall produce all requested documents by no later than March 15, 2010. It is expected that document production will be made on a rolling basis up to such deadline.

3. Any amended pleadings shall be filed no later than April 1, 2010.

4. Deposition discovery shall commence no earlier than April 15, 2010. Plaintiff shall be permitted to take 25 depositions, excluding expert depositions, and Defendants collectively shall be permitted to take a total of 25 depositions, excluding expert depositions. Additional depositions shall be permitted only upon Court order, for good cause shown.

5. All fact discovery shall be completed no later than September 13, 2010.

6. The parties shall provide expert reports by October 1, 2010. Any party's expert report intended to rebut any other expert report shall be provided by October 20, 2010. All expert reports shall contain the information required by Federal Rule of Civil Procedure 26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, by November 22, 2010.

7. All dispositive motions shall be filed and served by December 10, 2010, and shall be subject to Del. Bankr. L.R. 7007.

8. The parties shall serve and file Witness and Exhibit Lists no later than December 17, 2010.


9. All motions in limine shall be filed and served by January 7, 2011.

10. A final pretrial conference shall be held on February 1, 2011 at 10 a.m.

11. Trial of the above-captioned Adversary Proceeding shall commence on February 14, 2011 at 10:00 a.m.

12. The dates and deadlines contained herein, other than the dates for the final pretrial conference and the trial commencement date, may be modified only upon consent of all parties with notice thereof to the Court, or by Order of the Court.

Dated: Wilmington, Delaware  
February 2, 2010

  
Brendan Linehan Shannon  
United States Bankruptcy Judge