

STATE OF MICHIGAN

IN THE 49TH CIRCUIT COURT FOR THE COUNTY OF MECOSTA

MICHIGAN CITIZENS FOR WATER CONSERVATION,
a Michigan nonprofit corporation; RJ DOYLE and BARBARA
DOYLE, husband and wife; and JERRY R. SAPP and SHELLY M.
SAPP, husband and wife,

Plaintiffs,

-v-

File No.: 01-14563-CE

NESTLE WATERS NORTH AMERICA, INC., a Delaware Corporation,

Defendant.

SCHEDULING CONFERENCE ORDER

For Plaintiff: Mr. James M. Olson (P18485)
Olson, Bzdok & Howard, P.C.
420 East Front Street
Traverse City, MI 49686
(231) 946-0044

For Defendant: Mr. John M. DeVries (P12732)
Mika, Meyers, Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503-1423
(231) 632-8000

FINAL HEARING DURATION:

This Hearing will be of five (5) days duration and is scheduled March 23-27, 2009, 9:00 a.m.-4:30 p.m. (Tentatively in Mecosta County Circuit Courtroom)

ISSUES:

- (X) The issues to be decided in this hearing are to be submitted to the Court by each party no later than December 15, 2008.

PLEADINGS:

- (X) Counsel agreed that the status of the pleadings, pending discovery, are satisfactory; Parties agree without waiving any challenges to the content of the pleadings.

DISCOVERY:

- (X) Discovery shall be completed pursuant to the following schedule: Discovery commences October 1, 2008 and shall close February 21, 2009.

MOTION DEADLINE: All motions must be filed as follows:

- (X) Other: Pretrial Motions shall be filed with the Court by October 21, 2008. Oral argument on Pretrial Motions are tentatively scheduled Wednesday, November 19, 2008 at 1:30 p.m.

NOTE: **Motion briefs are mandatory and must be filed within the time limits set by court rule. Judge's Copy must be sent to the 49th Circuit Court, 400 Elm Street, P.O. Box 822, Big Rapids, MI 49307.**

WITNESS AND EXHIBIT DISCLOSURE:

- (X) The parties agree as follows: Mutual exchange of expert reports scheduled January 15, 2009.

MISCELLANEOUS:

Hearing briefs are to be submitted to the Court two weeks in advance of the hearing scheduled to begin Monday, March 23, 2009. The briefs may include proposed findings of facts and conclusions of law.


Final Pretrial to be held Tuesday, March 3, 2009 at 2:30 p.m.

PLEASE TAKE NOTICE:

1. Counsel and the parties are hereby notified that further processing of this case may be conducted by the undersigned or by an assigned visiting judge depending upon the requirements of the case and the availability of docket time. An expeditious, and yet fair disposition of the case is the principal objective of the docketing and assignment of judges process.
2. Counsel and the parties are encouraged to use teleconferencing for certain conferences and brief motions not requiring testimony. Leave of the court shall be sought before initiating teleconferencing to facilitate scheduling.
3. **Any party being of the opinion that his/her position has not been correctly stated or who feels that this summary is incorrect in any way may write a letter to the County Clerk where the case is pending, correctly stating such position, with copies to opposing counsel and the Court within ten (10) days of receipt of this summary.**

IT IS SO ORDERED

Dated: October 1, 2008



HON. SUSAN H. GRANT (P33079)
Acting Circuit Judge

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_____/

James M. Olson P18485
Attorney at Law
420 E. Front Street
Traverse City MI 49686

John M. DeVries P12732
Attorney at Law
900 Monroe Avenue NW
Grand Rapids MI 49503-1423

_____/

CERTIFICATE OF SERVICE

The undersigned certifies that on October 15th, 2008 a copy of the Scheduling Conference Order was served upon the attorneys of record by first class mail or by facsimile at their respective addresses.



Brenda K. Stoll
Administrative Assistant