

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:
SENDMYGIFT.COM, INC.

Debtor.

SCHEDULING ORDER

Sendmygift.com, Inc.,

Plaintiff,

vs.

BKY 00-35021
ADV 04-3035

KGS LLC, DHS Corp., and Kimberly and
Daryl Shiber

Defendants.

DATE OF SCHEDULING CONFERENCE:

May 4, 2004

APPEARANCES:

For Plaintiff:

Attorney, David Hoiland

For Defendant:

Attorney, John Cameron

UPON the Scheduling Conference held in this adversary proceeding, IT IS HEREBY ORDERED:

1. ***Inapplicability of Disclosure Requirements.*** The provisions of FED. R. CIV. P. 26(a)(1), 26(f), 26(a)(2), and 26(a)(3) shall not apply in this adversary proceeding.

2. ***Discovery.*** On or before ***July 15, 2004***, counsel for each party shall *complete* all discovery proceedings authorized by FED. R. CIV. P. 26 through 37. In relation to discovery:

- a. Initial discovery requests shall be served *promptly* after the entry of this order, if they have not been made to date. All discovery requests and notices shall be served enough in advance of the deadline to permit a full period for answer, absent consent of the answering party or deponent.

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NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <u>May 11, 2004</u> Lori Vosejka, Acting Clerk By <u>aml</u> Deputy Clerk
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- b. Motions to compel discovery may be made only after full compliance with Loc. R. BANKR. P. (D. MINN.) 7037. All such motions shall be served and filed no later than fifteen days before the deadline for completion of discovery. If necessary, such motions shall be coupled with a motion for an extension of that deadline and any related deadlines.
- c. Counsel shall not file written discovery requests or responses until such time as the Court may have to consider them for substantive or impeachment purposes in connection with a pending motion or at trial.

3. Pre-trial Jurisdictional Motions. All motions for abstention, remand, determination of the right to jury trial, transfer to U.S. District Court, or other relief related to this Court's jurisdiction and authority to hear and finally determine this adversary proceeding shall be served and filed within thirty(35) days of the date of this Scheduling Order.

4. Dispositive Motions. By **August 15, 2004**, counsel shall serve and file all dispositive motions. All responsive and reply papers shall be served and filed in compliance with Loc. R. BANKR. P. (D. MINN.) 9006-1 (b)-(c).

5. Second Scheduling Conference. On **August 16, 2004 at 3:00 p.m.**, the parties shall attend a reconvened scheduling conference in Courtroom 228B, U.S. Courthouse, 316 N Robert St., St. Paul MN 55101

6. Unless altered by further order, all deadlines are mandatory. The Court will entertain one stipulation of extension of deadline(s), upon a recitation of circumstances constituting good cause, as long as the stipulation is filed before the deadline in question. All other extensions will be considered only on formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order.*** If appropriate, the Court will set a second scheduling conference or pre-trial conference. ***FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16 (f), as incorporated by FED. R. BANKR. P. 7056.***

BY THE COURT:



GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

Dated: May 11, 2004

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Anita M. Larson, hereby certify:

That I am the Calendar Clerk to Chief Judge Gregory F. Kishel, of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on **May 11, 2004** true and correct copies of the annexed:

SCHEDULING ORDER No. 2 with Second Scheduling Conference

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

DAVID HOILAND ESQ
120 S 6TH ST STE 1100
MINNEAPOLIS MN 55402

JOHN CAMERON ESQ
CAMERON LAW OFFICE
33 S SIXTH ST STE 4100
MINNEAPOLIS MN 55402

and this certificate was made by me.

/s/Anita Larson
Deputy Clerk