

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SEMCRUDE, L.P., *et al.*,

Debtors.

VESS OIL CORPORATION,  
Plaintiff,

v.

SEMGROUP, L.P. and EAGLWING, L.P.,

Defendants.

Chapter 11

Case No. 08-11525 (BLS)  
Jointly Administered

Adversary Proceeding

No. 08-51142 (BLS)

**STIPULATION AND SCHEDULING ORDER**

The Parties having jointly stipulated to and proposed the following schedule for resolution of this proceeding, the Court hereby orders that the following deadlines and dates shall apply:

1. Deadline to Answer or Otherwise to Respond. The deadline for Defendants to file their answer, move, or otherwise respond shall be October 10, 2008.
2. Rule 26(a) Disclosures. The Parties shall make initial disclosures pursuant to Federal Rule 26(a)(1) on or before October 10, 2008.
3. Completion of Fact Discovery. All factual discovery must be initiated in time to be completed on or before November 26, 2008. Written discovery must be served sufficiently in advance of this deadline so that the response time under the applicable Federal Rule of Civil Procedure, as adopted by the Bankruptcy Rules and the Local Rules, falls on or before this deadline.

#8  
9/30/08

4. Initial Designation of Experts, Responsive Designation of Experts, and Completion of Expert Discovery. Experts in support of affirmative claims or defenses must be disclosed and must submit their reports, if any, on or before November 26, 2008. Rebuttal or responsive experts must be disclosed and must submit their reports, if any, on or before December 12, 2008. All expert discovery must be completed on or before December 19, 2008.

5. Dispositive Motions. The Parties shall file all dispositive motions on or before January 9, 2009. Oppositions to dispositive motions must be filed by January 23, 2009. Replies must be filed by February 2, 2009.

6. Pretrial Materials.

- a. Witnesses. On or before February 12, 2009, the Parties must exchange a list of witnesses who may be called at trial, including a brief narrative summary of the testimony to be elicited from each witness, whether the witness has been deposed, and whether the witnesses' testimony at the evidentiary hearing is "probable," "possible," "expert," or "record custodian."
- b. Exhibits and Deposition Excerpts. On or before February 12, 2009, the Parties must exchange a list of exhibits and a designation of portions of depositions to be offered at trial. The list of exhibits shall describe the documents or items in numbered sequence. The documents or items to be offered as exhibits shall be numbered by attachment of gummed labels to correspond with the sequence on the exhibit list. In addition, counsel for each Party intending to offer exhibits shall exchange a set of marked exhibits with

opposing counsel and shall deliver a set of marked exhibits to the Court's chambers (except large or voluminous items that cannot be easily reproduced).

- c. Objections to Pretrial Materials and Motions in Limine. All objections to pretrial materials and motions in limine shall be filed on or before February 26, 2009.

7. Joint Pretrial Order. The joint pretrial order shall be filed on or before March 5, 2009.

8. Pretrial Conference. A pretrial conference in this case shall be set, according to the Court's available calendar, on or about March 9, 2009.

9. Trial. Trial of this matter shall be set, according to the Court's available calendar, on or about March 16, 2009.

10. Amendment of This Order. Any of the deadlines set forth in this order may be amended by written agreement of the Parties or by further order of this Court.

So ORDERED on this the <sup>12</sup>21 day of Sept, 2008.

  
UNITED STATES BANKRUPTCY JUDGE