

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

NICHOLAS KLEINFELDT,

Plaintiff,

vs.

Case No. 3:26-cv-00026

CROSSROADS REPAIR, LLC,

Defendant.

JOINT SCHEDULING/DISCOVERY PLAN

Pursuant to Rule 26(f), counsel for the parties certify that on **March 4, 2026**, they conferred by email with a follow-up conversation by telephone to discuss the nature and basis of their clients' claims and defenses, the possibilities for a prompt settlement or resolution of the case, and a proposed discovery plan. After conferring in good faith, counsel for the parties have agreed upon the following:

- (1) The plaintiff has made Rule 26(a)(1) initial disclosures. Plaintiff has filed his disclosure statement identifying his citizenship for diversity jurisdiction. Defendant has filed its corporate disclosure statement and will make its Rule 26(a)(1) initial disclosures by April 10. Defendant will also file its citizenship disclosure statement identifying the citizenship of each of its members by the end of the week.
- (2) The parties propose the following discovery plan:
 - (a) Discovery will be needed on these subjects:

- i. Defendant's inspection of the tank truck at issue in this case;
- ii. Any work performed by Defendants on the tank truck at issue in this case;
- iii. Defendant's procedures and policies related to Defendant's visual inspections and/or leak tests of cargo tank motor vehicles (tank trucks) pursuant to the relevant Codes of Federal Regulations;
- iv. All documents relating to Defendant's training of its employees to conduct visual inspections and leak tests of cargo tank motor vehicles (tank trucks);
- v. All certifications, applications, and other such paperwork Defendant submitted, received, and/or is in possession of relating to Defendant's status as a Registered Inspector pursuant to 49 CFR Parts 178 & 180;
- vi. All documents in the possession of Defendant relating to the events of May 2, 2024, causing Nicholas Kleinfeldt's injuries, including but not limited to the records of the specific inspection(s) of the at-issue tank truck driven by Mr. Kleinfeldt;
- vii. All non-privileged correspondence in Defendant's possession relating to the events of May 2, 2024, causing Nicholas Kleinfeldt's injuries, including but not limited to the specific inspection(s) of the at-issue tank truck driven by Mr. Kleinfeldt;
- viii. Inspection of the tank truck at issue in this case, by plaintiff, his employer or any other person and/or entity;
- ix. Any work performed by plaintiff, his employer or any other person and/or entity on the tank truck at issue in this case;
- x. The plaintiff, his employer or any other person and/or entity procedures and policies related to visual inspections and/or leak tests of cargo tank motor vehicles (tank trucks) pursuant to the relevant Codes of Federal Regulations;
- xi. All documents relating to plaintiff, his employer or any other person and/or entity's training of its employees to conduct visual inspections and leak tests of cargo tank motor vehicles (tank trucks);
- xii. All certifications, applications, and other such paperwork plaintiff, his employer or any other person and/or entity submitted, received, and/or is in possession of relating to inspection (s) of the tank truck which is the subject matter of this litigation;
- xiii. All documents in the possession of plaintiff, his employer or any other person and/or entity relating to the events of May 2, 2024, causing plaintiff's claimed injuries, including but not limited to the records of the specific inspection(s) of the at-issue tank truck driven by Mr. Kleinfeldt;

- xiv. All non-privileged correspondence in plaintiff, his employer or any other person and/or entity's possession relating to the events of May 2, 2024, causing plaintiff's claimed injuries, including but not limited to the specific inspection(s) of the at-issue tank truck driven by Mr. Kleinfeldt;
- xv. The inspection of the truck by PSC Custom, LLC as reference in the plaintiff's Complaint including the discovery of any documents of any kind related to the inspection;
- xvi. Any inspections by any entity and/or government agency, including but not limited to the Occupational Safety and Health Administration, any workers compensation carrier, and/or law enforcement agency relating to the events of May 2, 2024, causing plaintiff's claimed injuries,
- xvii. Plaintiff's records before and after the accident, including but not limited to medical information, employment information, income information, tax information, education information, and the like,
- xviii. Other subjects that may come to light during the course of discovery. Neither party waives its right to conduct discovery on topics or issues not named herein.

- (b) Disclosure, discovery, or preservation of electronically stored information should be handled as follows:

Plaintiff will seek electronic communications in the possession of Defendant. Without waiving the ability and right to seek additional discoverable information in the future, plaintiff does not seek discovery of any personally-owned electronic devices at this time unless Defendant is aware of work-related communications on personal devices of employees related to the facts in the Complaint, which should be preserved and produced.

The Defendant will seek electronic communications in the possession of plaintiff and plaintiff's employer. Without waiving the ability and right to seek additional discoverable information in the future, plaintiff does not seek discovery of any personally-owned electronic devices at this time unless plaintiff or his employer at the time of the accident is aware of work-

related communications on personal devices of employees related to the facts in the Complaint, which should be preserved and produced.

All documents should be produced in Bates stamped .pdf format with identifiable prefixes. If production of cell phone data is required, those cell phones should be imaged and produced as images with Bates labels. Each party shall bear their own costs of production.

- (c) The parties have discussed any issues regarding preservation of discoverable information as follows:

Plaintiff is currently unaware of any issues regarding the preservation of discoverable information.

Defendant does not know the location of the vehicle or trailers involved in the accident and whether they have been preserved. As such reserves the right to claim lack of preservation if the facts and circumstances warrant it.

- (d) The parties have discussed possible need for a protective order as follows:

Neither party foresees the need for a protective order.

- (e) If this is a case that will involve the discovery of medical, mental health, employment, education, tax, or workers compensation records, the parties have agreed to the following with respect to who will secure these records and how the

discovery of the records will be handled (*it will not be a sufficient answer that the parties have not addressed the issue or it will be considered later*):

Plaintiff will request and disclose pertinent medical records relating to the injuries described in the Complaint. The Plaintiff will further request and disclose all relevant mental health, education, tax, or workers compensation records relevant to the injuries described in the Complaint.

Defendant would request that it be provided with all Plaintiff's medical records, mental health, education, tax, income and worker's compensation records at least five years before the accident through the present date and into the future. Defendant is willing to gather the requested records using duly executed authorization from the Plaintiff at Defendant's expense and share any records obtained using duly executed authorizations with Plaintiff at no charge to Plaintiff. All documents will be produced in Bates stamped .pdf format with identifiable prefixes.

If the parties have not reached an agreement all or in part, the following is what the parties have not been able to agree to and the reasons why (*if applicable, this section must be completed*):

Plaintiff will not provide the defense with executed authorizations or releases. Plaintiff is willing to discuss this matter further if issues arise obtaining records, but plaintiff's position is that he will request, properly redact, and produce all discoverable medical records. The defense prefers to receive executed releases so that the defendant can itself obtain medical records. The Court's guidance on this matter is respectfully requested.

- (f) The parties have discussed privilege logs, including information to be included about documents over which privilege is asserted and any categories of documents which the parties agree need not be identified in privilege logs:

The parties shall allow for the “claw back” of inadvertently produced privileged information. The receiving party shall notify the producing party of the same and the parties shall meet and confer on how to best manage the inadvertent production at that time. The parties shall produce, by the discovery deadline set by the Court, a privilege log reflecting, for each withheld document: (1) the metadata name or email subject of the document withheld (if an email, it must be so described), (2) the recipients/sender of the withheld document, (3) a general description of the contents of the withheld document sufficient to identify the grounds for the asserted protection, (4) the date of creation or sending of the withheld document, and (5) the protection asserted for the withheld document.

- (g) The parties have agreed to the following maximum number of interrogatories **per party**: 30 Interrogatories per party.
- (h) The parties have agreed to the following maximum number of requests for admissions **per party**: 30 Requests for Admission per party.
- (i) The parties have agreed to the following maximum number of requests for production of documents **per party**: 30 Requests for Production per party.
- (j) The parties have agreed to the following maximum number of depositions **per party**: 15 factual depositions per side, plus expert depositions.
- (k) The parties have discussed possible need for depositions of organizations pursuant to Rule 30(b)(6) and, as required by that rule, will confer in advance of any depositions of organizations about topics on which testimony is requested.

The Parties confirm. Plaintiff will provide Defendant with a Notice of 30(b)(6) Deposition with topics.

(l) The parties have agreed any depositions taken only for presentation at trial will be completed at least 10 days prior to trial.

(m) The parties have agreed that all fact discovery will be completed by the following deadline, with all discovery pursuant to Rules 33, 34, and 36 to be served a minimum of thirty-three (33) days prior to the deadline:

9/25/2026

(n) The parties have agreed on the following deadline for discovery motions:

9/4/2026

(o) An appropriate time for a mid-discovery status conference would be: **7/17/2026**

(p) The parties have agreed on the following deadlines for exchanging complete expert witness reports:

11/6/2026 for plaintiff(s);

12/4/2026 for defendant(s); and

1/8/2027 for any rebuttal experts.

(q) The parties have agreed on the following deadline to complete discovery depositions of expert witnesses:

1/30/2027

(3) The parties have agreed to the following deadlines for filing motions:

8/14/2026 motions to join additional parties;

8/14/2026 motions to amend pleadings;

1/30/2027 nondispositive motions (e.g. consolidation, bifurcation); and

1/30/2027 dispositive motions (e.g. summary judgment).

(4) The parties have discussed alternative dispute resolution and plan as follows:

- ☐ A court-hosted settlement conference;
- ☒ Private mediation; or
- ☐ Other (explain):

(5) The parties shall be ready to evaluate the case for settlement purposes by:

6/1/2026

(6) The parties **will not** waive their rights to proceed before a district judge and consent to have a magistrate judge conduct all further proceedings in the case, including the trial, and order for entry of a final judgment.

(7) Trial of this case will be **jury trial**.

(8) The estimated length of trial is 14 days.

Dated this 26 day of March, 2026.

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ORDER

The parties' Scheduling/Discovery Plan is adopted as the Order of the Court with the following modifications: (1) the parties shall have until October 9, 2026, to file discovery motions; (2) the estimated trial length is 10 days; and (3) a mid-discovery status conference is set for July 17, 2026, at 9:30 a.m. by telephone. Plaintiff shall initiate the call. The telephone number for chambers is 701-297-7070.

Dated this 26th day of March, 2026.

/s/ Alice R. Senechal
Alice R. Senechal
United States Magistrate Judge