

ADR, CLOSED, R16, TRCK2

**U.S. District Court**  
**Eastern District of Missouri (LIVE) (St. Louis)**  
**CIVIL DOCKET FOR CASE #: 4:07-cv-01104-CAS**

Bazzell et al v. Dikar S. Coop, Ltd., et al  
Assigned to: Honorable Charles A. Shaw  
Cause: 28:1332 Diversity-(Citizenship)

Date Filed: 06/08/2007  
Date Terminated: 10/15/2008  
Jury Demand: Both  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Diversity

**Plaintiff****William Bazzell**

represented by **Morry S. Cole**  
GRAY AND RITTER, P.C.  
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Email: mcole@grgpc.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Toni Bazzell**

represented by **Morry S. Cole**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Dikar S. Coop, Ltd.**

represented by **David L. Coffman**  
LEWIS AND RICE  
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Suite 2000  
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**David A. Fitzpatrick**

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**Defendant**

**Wal-Mart Stores, Inc.**

represented by **Edward W. Zeidler, II**  
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**James E. Whaley**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Sam's West, Inc.**

represented by **Edward W. Zeidler, II**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James E. Whaley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Blackpowder Products, Inc.**  
*TERMINATED: 01/14/2008*

represented by **David L. Coffman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Fitzpatrick**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Connecticut Valley Arms, Inc.**  
 TERMINATED: 01/14/2008

represented by **David L. Coffman**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**David A. Fitzpatrick**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**D.C. 1980, Inc.**

represented by **David L. Coffman**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/08/2007	<u>1</u>	COMPLAINT against defendant all defendants with receipt number 1121216, in the amount of \$350, Jury Demand,, filed by William Bazzell, Toni Bazzell. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Original Filing Form # <u>3</u> Waiver of Service for Defendants Wal-Mart Stores, Inc., Sam's West, Inc., Blackpowder Products, Inc. and Connecticut Valley Arms, Inc.# <u>4</u> Summons for Defendant DIKAR, S. COOP, LTD)(Cole, Morry) (Entered: 06/08/2007)
06/08/2007	<u>2</u>	NOTICE OF PRIVATE PROCESS SERVER by Plaintiffs William Bazzell, Toni Bazzell Process Server APS International, Ltd., (Attachments: # <u>1</u> Text of Proposed Order)(Cole, Morry) (Entered: 06/08/2007)
06/12/2007	<u>3</u>	WAIVER of Service issued defendantWal-Mart Stores, Inc.. sent to Wal-Mart Stores, Inc. on 06/12/2007 filed by William Bazzell, Toni Bazzell. Waiver of Service due by 8/13/2007. (Cole, Morry) (Entered: 06/12/2007)
06/12/2007	<u>4</u>	WAIVER of Service issued defendantSam's West, Inc.. sent to Sam's West, Inc. on 06/12/2007 filed by William Bazzell, Toni Bazzell. Waiver of Service due by 8/13/2007. (Cole, Morry) (Entered: 06/12/2007)
06/12/2007	<u>5</u>	WAIVER of Service issued defendantConnecticut Valley Arms, Inc.. sent to Connecticut Valley Arms, Inc. on 06/12/2007 filed by William Bazzell, Toni Bazzell. Waiver of Service due by 8/13/2007. (Cole, Morry) (Entered: 06/12/2007)
06/12/2007	<u>6</u>	WAIVER of Service issued defendantBlackpowder Products, Inc.. sent to Blackpowder Products, Inc. on 6/12/2007 filed by William Bazzell, Toni Bazzell. Waiver of Service due by 8/13/2007. (Cole, Morry) (Entered: 06/12/2007)
06/28/2007		SUMMONS Issued ( 1 @ 20 days )as to Defendant Dikar S. Coop, Ltd.. (CDD, ) (Entered: 06/28/2007)
06/29/2007		***REMARK Summons issued 6/28/07, to be served pursuant to the rules and procedures of the Hague Convention. (CDD, ) (Entered: 06/29/2007)

08/13/2007	<u>7</u>	ENTRY of Appearance by James E. Whaley for Defendants Wal-Mart Stores, Inc., Sam's West, Inc.. (Whaley, James) (Entered: 08/13/2007)
08/13/2007	<u>8</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Defendants Wal-Mart Stores, Inc., Sam's West, Inc.. (Whaley, James) (Entered: 08/13/2007)
08/14/2007		Docket Text ORDER Re: [Doc. 8] MOTION for Extension of Time to File Answers to Complaint, by Defendants Wal-Mart Stores, Inc. and Sam's West, Inc.; ORDERED GRANTED to the extent these defendants shall have 30 additional days, up to and including September 12, 2007, to answer or otherwise respond to plaintiffs' complaint. Signed by Judge Charles A. Shaw on August 14, 2007. (LTR) (Entered: 08/14/2007)
09/12/2007	<u>9</u>	ANSWER to Complaint by Sam's West, Inc..(Whaley, James) (Entered: 09/12/2007)
09/12/2007	<u>10</u>	ANSWER to Complaint by Wal-Mart Stores, Inc..(Whaley, James) (Entered: 09/12/2007)
09/28/2007	<u>11</u>	ENTRY of Appearance by David L. Coffman for Defendants Blackpowder Products, Inc., Connecticut Valley Arms, Inc.. (Coffman, David) (Entered: 09/28/2007)
09/28/2007	<u>12</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Plaintiffs' Complaint</i> by Defendants Blackpowder Products, Inc., Connecticut Valley Arms, Inc.. (Coffman, David) (Entered: 09/28/2007)
10/01/2007		Docket Text ORDER re: Doc. <u>12</u> , Consent MOTION for Extension of Time to File Response to Plaintiffs' Complaint, filed by Defendants Blackpowder Products, Inc. and Connecticut Valley Arms, Inc.; ORDERED GRANTED. These defendants' response to the complaint shall be filed by October 31, 2007. Signed by Judge Charles A. Shaw on October 1, 2007. (SMH) (Entered: 10/01/2007)
10/16/2007	<u>13</u>	ENTRY of Appearance by David L. Coffman for Defendant Dikar S. Coop, Ltd.. (Coffman, David) Modified on 11/6/2007 (MRC, ). <b>[Additional attorneys included in this entry of appearance. Attorney David Coffman contacted and advised that the additional attorneys are required to file a separate entry of appearance.]</b> (Entered: 10/16/2007)
10/16/2007	<u>14</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, by Defendant Dikar S. Coop, Ltd.. (Coffman, David) (Entered: 10/16/2007)
10/18/2007		Docket Text ORDER Re: Doc. 14 Consent MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, by Defendant Dikar S. Coop, Ltd; ORDERED GRANTED. Defendant shall have to and including October 31, 2007 to file a responsive pleading. Signed by Judge Charles A. Shaw on October 18, 2007. (MBP) (Entered: 10/18/2007)
10/31/2007	<u>15</u>	ANSWER to Complaint with Jury Demand by Dikar S. Coop, Ltd..(Coffman, David) (Entered: 10/31/2007)

10/31/2007	<u>16</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Dikar S. Coop, Ltd. Parent companies: None, Subsidiaries: None, Publicly held company: None., (Coffman, David) (Entered: 10/31/2007)
10/31/2007	<u>17</u>	ANSWER to Complaint with Jury Demand by Blackpowder Products, Inc., Connecticut Valley Arms, Inc.. (Coffman, David) (Entered: 10/31/2007)
10/31/2007	<u>18</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Blackpowder Products, Inc. Parent companies: Dikar, S. Coop. LTD, Subsidiaries: None, Publicly held company: None., (Coffman, David) (Entered: 10/31/2007)
10/31/2007	<u>19</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Connecticut Valley Arms, Inc. Parent companies: Blackpowder Products, Inc., Subsidiaries: None, Publicly held company: None., (Coffman, David) (Entered: 10/31/2007)
11/07/2007	<u>20</u>	RULE 16 ORDER This case is assigned to Track: Preliminary Track 2 (Standard) Joint Scheduling Plan due by 11/22/2007. Rule 16 Conference set for 12/7/2007 10:10 AM in Courtroom 12N before Honorable Charles A. Shaw. Signed by Judge Charles A. Shaw on 11/7/2007. (NCL) (Entered: 11/07/2007)
11/13/2007	<u>21</u>	ENTRY of Appearance by David A. Fitzpatrick for Defendant Dikar S. Coop, Ltd.. (Fitzpatrick, David) (Entered: 11/13/2007)
11/13/2007	<u>22</u>	ENTRY of Appearance by David A. Fitzpatrick for Defendants Blackpowder Products, Inc., Connecticut Valley Arms, Inc.. (Fitzpatrick, David) (Entered: 11/13/2007)
11/21/2007	<u>23</u>	JOINT SCHEDULING PLAN by Plaintiffs William Bazzell, Toni Bazzell, Defendants Dikar S. Coop, Ltd., Wal-Mart Stores, Inc., Sam's West, Inc., Blackpowder Products, Inc., Connecticut Valley Arms, Inc... (Whaley, James) (Entered: 11/21/2007)
12/06/2007	<u>24</u>	ENTRY of Appearance by Edward W. Zeidler, II for Defendants Wal-Mart Stores, Inc., Sam's West, Inc.. (Zeidler, Edward) (Entered: 12/06/2007)
12/07/2007	<u>25</u>	CASE MANAGEMENT ORDER This case is assigned to Track: 2 Motion to Join Parties due by 2/28/2008. ADR Future Reference 6/27/2008. Discovery Completion due by 8/11/2008. Dispositive Motions due by 8/29/2008. Pretrial Compliance due by 12/26/2008. Motion in Limine due by 1/26/2009. Pretrial Conference set for 2/5/2009 02:00 PM in Courtroom 12N before Honorable Charles A. Shaw. Jury Trial set for 2/9/2009 09:00 AM in Courtroom 12N before Honorable Charles A. Shaw. Signed by Honorable Charles A. Shaw on 12/7/2007. (NCL) (Entered: 12/07/2007)
12/07/2007	<u>26</u>	Minute Entry for proceedings held before Honorable Charles A. Shaw: Rule 16 Conference held on 12/7/2007 Conference by phone? No. CMO to issue. (Court Reporter or FTR Gold Operator initials:none.) (FTR Gold yes or no: no.) (JWJ) (Entered: 12/10/2007)
12/18/2007	<u>27</u>	SUMMONS Returned Executed filed by William Bazzell, Toni Bazzell. Dikar S. Coop, Ltd. served on 9/10/2007, answer due 10/1/2007. (Cole, Morry)

		(Entered: 12/18/2007)
01/09/2008	<u>28</u>	MOTION for Leave to Substitute Party and File First Amended Complaint by Plaintiffs William Bazzell, Toni Bazzell. (Attachments: # <u>1</u> Exhibit A - First Amended Complaint, # <u>2</u> Exhibit B - Proposed Order)(Cole, Morry) (Entered: 01/09/2008)
01/14/2008	<u>29</u>	ORDER - IT IS HEREBY ORDERED that plaintiffs' Motion for Leave to Substitute Party and File First Amended Complaint is GRANTED. [Doc. 28] IT IS FURTHER ORDERED that the Clerk of Court shall detach and file plaintiffs' First Amended Complaint, which was submitted as an attachment to their motion for leave. Granting <u>28</u> Motion for Leave to Substitute Party and File First Amended Complaint. Signed by Honorable Charles A. Shaw on 1/14/2008. (NCL) (Entered: 01/14/2008)
01/14/2008	<u>30</u>	AMENDED COMPLAINT against defendant Dikar S. Coop, Ltd., Wal-Mart Stores, Inc., Sam's West, Inc., D.C. 1980, Inc., Terminating Blackpowder Products, Inc. and Connecticut Valley Arms, Inc.. Amendment to <u>1</u> Complaint. No Summons(es) issued. Waivers issued, no. Consents issued, no. Jury demand, filed by William Bazzell, Toni Bazzell. Related document: <u>1</u> Complaint, filed by Toni Bazzell, William Bazzell.(NCL) (Entered: 01/14/2008)
01/18/2008	<u>31</u>	ANSWER to <u>30</u> Amended Complaint, by Sam's West, Inc..(Whaley, James) (Entered: 01/18/2008)
01/18/2008	<u>32</u>	ANSWER to <u>30</u> Amended Complaint, by Wal-Mart Stores, Inc..(Whaley, James) (Entered: 01/18/2008)
02/29/2008	<u>33</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant D.C. 1980, Inc.Parent companies: None, Subsidiaries: None, Publicly held company: None., (Coffman, David) (Entered: 02/29/2008)
02/29/2008	<u>34</u>	ANSWER to <u>30</u> Amended Complaint, by D.C. 1980, Inc..(Coffman, David) (Entered: 02/29/2008)
04/21/2008	<u>35</u>	Joint MOTION for Extension to <i>Modify Case Management Order</i> of: Time by Plaintiffs William Bazzell, Toni Bazzell. (Attachments: # <u>1</u> Exhibit A - Proposed Order)(Cole, Morry) (Entered: 04/21/2008)
04/23/2008	<u>36</u>	ORDER granting <u>35</u> Motion for Extension Discovery Completion due by 11/15/2008. ( SEE ORDER FOR COMPLETE DETAILS) Signed by Honorable Charles A. Shaw on 4/23/08. (JWJ) (Entered: 04/23/2008)
06/27/2008	<u>37</u>	ORDER REFERRING CASE to Alternative Dispute Resolution. {See order for complete details/deadlines} This case is referred to: Mediation...The ADR Conference(s) shall be concluded before August 27, 2008, unless extended by order of the Court.... Designation of Lead Counsel: Morry S. Cole....Not later than ten(10) days from the date of this order, lead counsel shall notify the clerk of the agreed choice of neutral selected by the parties, and the date, time and location of the initial ADR conference.... ADR Completion Deadline due by 8/27/2008. Designation of Neutral due by 7/7/2008. ADR Conference Schedule due by 7/7/2008.. Signed by Honorable Charles A. Shaw on 6/27/2008. (MRC) (Entered: 06/27/2008)

07/09/2008	<u>38</u>	Designation of Neutral by parties and ADR Conference Report by Plaintiffs William Bazzell, Toni Bazzell Neutral: Thomas Lang Date of Conference: 07/29/2008 time: 10:00 a.m. Location: Gray, Ritter & Graham, 701 Market St., Suite 800, St. Louis, MO 63101(Cole, Morry) (Entered: 07/09/2008)
07/11/2008	<u>39</u>	NOTICE of Appointment of Neutral Neutral name: Thomas Lang Neutral selected by Parties. Copy of Notice mailes to Thomas Lang this date.(LMT) (Entered: 07/11/2008)
07/15/2008	<u>40</u>	MOTION for Extension of: Motion to Modify Case Management Order by Plaintiffs William Bazzell, Toni Bazzell. (Attachments: # 1 Text of Proposed Order)(Cole, Morry) (Entered: 07/15/2008)
07/16/2008	<u>41</u>	ORDER IT IS HEREBY ORDERED that the joint motion to modify the case management order is GRANTED. [Doc. 40] IT IS FURTHER ORDERED that the Case Management Order issued December 7, 2007 and modified by order dated April 23, 2008 is modified as follows: I. SCHEDULING PLAN: 4.(b)(i) Plaintiffs shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than September 15, 2008 Plaintiffs shall make expert witnesses available for deposition no later than October 15, 2008. Treating physicians shall be considered expert witnesses under Rule 26(a)(2) to the extent they give testimony as to causation or prognosis. (b)(ii) Defendants shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than November 15, 2008. Defendants shall make expert witnesses available for deposition no later than December 15, 2008....(e) The parties shall complete all discovery in this case no later than December 31, 2008. Discovery requests must be served sufficiently prior to this date to allow the full response time before the completion date. IT IS FURTHER ORDERED that except as modified herein, the provisions of the Case Management Order issued December 7, 2007 and modified by order dated April 23, 2008 remain in full force and effect, particularly Section II, Order Relating to Trial. Re 40 MOTION for Extension of: Motion to Modify Case Management Order filed by Toni Bazzell, William Bazzell GRANTED. Signed by Honorable Charles A. Shaw on 7/16/2008. (NCL) (Entered: 07/16/2008)
08/14/2008	<u>42</u>	ADR COMPLIANCE REPORT by Neutral: Thomas Lang, Date of Conference: 7/29/2008, participated in good faith: Y, the parties DID achieve a settlement.(NCL) (Entered: 08/21/2008)
08/27/2008	<u>43</u>	ORDER IT IS HEREBY ORDERED that the February 9, 2009 trial setting is vacated and any pending motions are denied without prejudice. IT IS FURTHER ORDERED that counsel shall file, within thirty (30) days of the date of this order, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment. Failure to comply timely with this order will result in the dismissal of this action with prejudice. Signed by Honorable Charles A. Shaw on 8/27/2008. (NCL) (Entered: 08/27/2008)
09/26/2008		***REMARK - Plaintiffs' Motion to Enforce Settlement, for Extension of Time to File Dismissal Documents and for Sanctions filed on 9/25/2008 was DELETED per the Court's instruction. Document to be re-filed as separate Motions by plaintiffs' attorney. (NCL) (Entered: 09/26/2008)

09/26/2008	<u>44</u>	MOTION for Sanctions by Plaintiffs William Bazzell, Toni Bazzell. (Attachments: # <u>1</u> Exhibit Order)(Cole, Morry) (Entered: 09/26/2008)
09/26/2008	<u>45</u>	MOTION for Extension, MOTION for Extension of Time to File ;Extension to file the following: Dismissal Documents ;Proposed extension date October 26, 2008 by Plaintiffs William Bazzell, Toni Bazzell. (Attachments: # <u>1</u> Exhibit Order)(Cole, Morry) (Entered: 09/26/2008)
09/26/2008		Docket Text ORDER Re: Doc. 45 MOTION for Extension of Time to File Dismissal Documents by Plaintiffs; ORDERED GRANTED. Counsel shall file by October 27, 2008 a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment. Signed by Honorable Charles A. Shaw on September 26, 2008. (MBP) (Entered: 09/26/2008)
10/03/2008	<u>46</u>	MOTION to Withdraw <u>44</u> MOTION for Sanctions by Plaintiffs William Bazzell, Toni Bazzell. (Cole, Morry) (Entered: 10/03/2008)
10/06/2008	<u>47</u>	Docket Text ORDER re: [Doc. 46] Motion to Withdraw Motion for Sanctions, filed by plaintiffs William Bazzell and Toni Bazzell; ORDERED GRANTED. Signed by Honorable Charles A. Shaw on October 6, 2008. (LTR) (Entered: 10/06/2008)
10/06/2008	<u>48</u>	Docket Text ORDER re: [Doc. 44] Motion for Sanctions, filed by plaintiffs William Bazzell and Toni Bazzell; ORDERED DENIED as moot. Signed by Honorable Charles A. Shaw on October 6, 2008. (LTR) (Entered: 10/06/2008)
10/14/2008	<u>49</u>	STIPULATION of <i>Dismissal with Prejudice</i> by Plaintiffs William Bazzell, Toni Bazzell. (Cole, Morry) (Entered: 10/14/2008)
10/15/2008	<u>50</u>	ORDER - SO ORDERED (CAS) re <u>49</u> Stipulation Dismissal With Prejudice filed by Toni Bazzell, William Bazzell, Terminate Case. Signed by Honorable Charles A. Shaw on 10/15/2008. (MRC) (Entered: 10/20/2008)

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