

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

WILLIAM B. BARNETT, ET AL.

CIVIL ACTION

VERSUS

NO: 10-1928

FRANK J. D'AMICO, JR., ET
AL.

SECTION: "B"(5)

O R D E R

A Preliminary Pre-trial Conference was held this date, June 13, 2013. Participating were:

For Plaintiff: Jack Alltmont

For Defendant: Frank D'Amico, Jr., Darryl Carimi, Laura Conner

Pleadings have not been completed. Jurisdiction and venue are established.

All case-dispositive pre-trial motions, along with motions in limine regarding the admissibility of expert testimony, shall be filed and served in sufficient time to permit hearing thereon no later than JANUARY 6, 2014. All other motions in limine shall be filed and served in sufficient time to permit hearing thereon no later than JANUARY 6, 2014. Any motions filed in violation of this order shall be deemed waived unless good cause is shown. **When a contested substantive pre-trial motion is being heard orally, the parties shall submit, simultaneously with the hard copy required by Local Rule 7.1, a copy of the motion, memorandum in support, memorandum in opposition and reply memorandum on CD-Rom in WordPerfect 10 or later format. All disks shall be returned to counsel after the hearing on the motion upon request.**

Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) have not been completed and must be exchanged no later than JULY 12, 2013.

Depositions for use at trial shall be taken and all discovery shall be completed no later than DECEMBER 17, 2013.

Amendments to pleadings, third-party actions, cross-claims and counter-claims shall be filed no later than JULY 15, 2013.

Counsel adding new parties subsequent to mailing of this Notice shall serve on each new party a copy of this Minute Entry.

Responsive pleadings shall be filed within the applicable delays.

Written reports of experts, as defined by Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for plaintiff fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for defendant as soon as possible, but in no event later than OCTOBER 18, 2013.

Written reports of experts, as defined by Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for defendant fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for plaintiff as soon as possible, but in no event later than NOVEMBER 18, 2013.

The parties shall file in the record and serve upon their opponents a list of all witnesses who may or will be called to testify at trial, and all exhibits that may or will be used at trial no later than NOVEMBER 18, 2013.

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless there has been compliance with this Minute Entry as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

This case does not involve extensive documentary evidence, depositions or other discovery. No special discovery limitations beyond those established in the Federal Rules, Local Rules of this Court, or the Plan are established.

Settlement possibilities were discussed. A further settlement conference will be scheduled at any time at the request of any party to this action.

A final Pre-trial Conference will be held before the District Judge on **JANUARY 16, 2014 at 11:00 A.M.** Counsel will be prepared in accordance with the final Pre-Trial Notice attached.

On or before five (5) working days prior to the trial date, counsel for all parties are to prepare and submit joint proposed special jury charges and jury interrogatories. If a party objects to a proposed charge or interrogatory, that party shall note the objection in a footnote to the proposed charge or interrogatory and cite to any legal authority in support of the objection. Counsel shall submit an original and one copy of the proposed charges and interrogatories to Chambers. In addition, the proposed charges and

interrogatories shall be submitted on CD-Rom in WordPerfect 10 or later format, which shall be returned to counsel after trial upon request.

Trial will commence on **FEBRUARY 18, 2014** (or any time during that week) at **9:00 a.m.** before the District Judge **without** a jury. Attorneys are instructed to report for trial no later than 30 minutes prior to this time. Trial is estimated to last 2 day(s).

Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion and upon a showing of good cause. Continuances will not normally be granted. If, however, a continuance is granted, deadlines and cut off dates will be extended automatically, unless otherwise ordered by the Court.

IVAN L. R. LEMELLE
UNITED STATES DISTRICT JUDGE
ISSUED FOR THE COURT BY:
Isidore J. Grisoli, Deputy Clerk
(504) 589-7747

NOTE: ON THE MORNING OF TRIAL, COUNSEL ARE TO FURNISH THE COURTROOM DEPUTY WITH: (1) A LIST OF ALL WITNESSES THAT WILL BE CALLED DURING TRIAL; (2) A LIST OF ALL EXHIBITS THAT ARE TO BE OFFERED DURING TRIAL. EXHIBITS ARE TO BE PRE-MARKED AND NUMBERED IN ACCORDANCE WITH THE EXHIBIT LIST. ALL EXHIBITS TO BE ADMITTED INTO THE RECORD SHALL BE CLEAN, CLEAR COPIES AND 8 ½ X 11 OR 8 ½ X 14. IF LARGER, I.E., BLOWUPS, POSTERS, LARGER PHOTOS, ETC., THESE SHOULD BE REDUCED TO THE AFOREMENTIONED SIZE FOR THE RECORD. COUNSEL TO READ ALL OF THE ATTACHED DOCUMENTS THOROUGHLY.