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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Hy Cite Corporation,)	No. CIV 04-2856-PHX-EHC
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
badbusinessbureau.com, LLC, et al.,)	
)	
Defendants.)	

Pursuant to a scheduling conference held on July 31, 2006 and the Court being fully advised,

IT IS ORDERED that a jury trial in this matter is set for **Tuesday, October 16, 2007 at 9:00 a.m.**

IT IS FURTHER ORDERED that the attorneys for each party who will be responsible for trial of the lawsuit shall appear and participate in a Final Pretrial Conference on **Tuesday, October 9, 2007 at 9:00 a.m.** in the United States Courthouse, 401 W. Washington, Phoenix, Arizona.

IT IS FURTHER ORDERED that a Joint Proposed Pretrial Order shall be filed and an electronic copy sent to chambers by **October 1, 2007**. The electronic copy shall be in the format prescribed by the Case Management/Electronic Case Filing Administrative Policies and Procedures Manual. The content of the proposed pretrial order shall include, but not be limited to, that prescribed in the Form of Pretrial Order attached. Statements

1 made shall not be in the form of a question, but should be a concise statement of each
2 party's contention as to each contested and uncontested issue.

3 **IT IS FURTHER ORDERED** that in addition to filing a Proposed Pretrial Order, each
4 party shall also file proposed jury instructions, proposed voir dire questions, proposed
5 questionnaires, if any, as well as proposed forms of verdict. These documents shall be filed
6 by the same date the Proposed Pretrial Order is due.

7 **IT IS FURTHER ORDERED** that any final pretrial disclosures required under
8 Fed.R.Civ.P. 26(a)(3) are due **30 days before trial**.

9 **IT IS FURTHER ORDERED** that motions in limine shall be filed **no later than 30**
10 **days before trial**. The hearing on motions in limine, if necessary, shall take place at the time
11 of the final pretrial conference, or as otherwise ordered.

12 **IT IS FURTHER ORDERED** that all motions for summary judgment shall be filed by
13 **June 15, 2007**. This deadline shall take into account the time limits for motions set forth
14 in LRCiv 7.2.

15 **IT IS FURTHER ORDERED** that each party shall file no more than one motion for
16 summary judgment unless leave of Court is obtained. To obtain leave of Court, a party
17 shall file a motion setting forth reasons justifying the filing of more than one summary
18 judgment motion.

19 **IT IS FURTHER ORDERED** that all discovery, including answers to interrogatories
20 and supplements to interrogatories, must be completed by **February 28, 2007**. The parties
21 are directed to LRCiv 7.2(j), which prohibits filing discovery motions unless the parties
22 have first met to resolve any discovery difficulties.

23 **IT IS FURTHER ORDERED** that the parties shall disclose expert witnesses, if any,
24 no later than **March 16, 2007**, together with a **final** written report setting forth the expert's
25 opinion and the reasons supporting that opinion. Rebuttal experts shall be disclosed prior
26 to **April 30, 2007**. Depositions of experts, if any, shall be completed prior to **May 31,**
27 **2007**.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Plaintiff,

No. CIV - PHX-EHC

v.

PROPOSED PRETRIAL

FORM OF ORDER

Defendant.

_____)
_____)
_____)
_____)
_____)
_____)
_____)
_____) Pursuant to the Scheduling Order entered _____,
200_, following is the joint Proposed Final Pretrial Order to be considered at the Final
Pretrial Conference set for _____, 200_.

A. COUNSEL FOR THE PARTIES

(Include mailing address, office phone and fax numbers).

Plaintiff(s):

Defendant(s):

1 **B. STATEMENT OF JURISDICTION.** Cite the statute(s) which gives this
2 Court jurisdiction.

3 (e.g., Jurisdiction in this case is based on diversity of citizenship under Title
4 28 U.S.C. § 1332.)

5 Jurisdiction is (not) disputed.

6 **C. NATURE OF ACTION.** Provide a concise statement of the type of case, the
7 cause of the action, and the relief sought.

8 (e.g., - This is a products liability case wherein the plaintiff seeks damages
9 for personal injuries sustained when he fell from the driver's seat of a forklift.
10 The plaintiff contends that the forklift was defectively designed and
11 manufactured by the defendant and that the defects were a producing cause
12 of his injuries and damages.)

13 **D. CONTENTIONS OF THE PARTIES.** With respect to each count of the
14 complaint, counterclaim or cross-claim, and to any defense, affirmative defense, or the
15 rebuttal of a presumption where the burden of proof has shifted, the party having the
16 burden of proof shall list the elements or standards that must be proved in order for the
17 party to prevail on that claim or defense. Citation to relevant legal authority is required.

18 (e.g., To prevail on this products liability case, the plaintiff must prove the
19 following elements)

20 (e.g., To defeat this products liability claim based on the statute of repose,
21 the defendant must prove the following elements)

22 **E. STIPULATIONS AND UNCONTESTED FACTS**

23 **F. CONTESTED ISSUES OF FACT AND LAW**

24 **G. LIST OF WITNESSES.** A jointly prepared list of witnesses, identifying each
25 as either plaintiff's or defendant's, and indicating whether a fact or expert witness, must
26 accompany this proposed order. A brief statement as to the testimony of each witness
27 must be included. Additionally, the parties shall designate which witnesses (1) shall be
28 called at trial, (2) may be called at trial, and (3) are unlikely to be called at trial.

H. LIST OF EXHIBITS. Each party must submit with this proposed order a list
of numbered exhibits, with a description of each containing sufficient information to
identify the exhibit, and indicating whether an objection to its admission is anticipated.

1 I. **MOTIONS IN LIMINE.** Motions in limine shall be served, filed, and
2 responded to in accordance with the instructions contained in the Rule 16 Scheduling
3 Order.

4 J. **LIST OF ANY PENDING MOTIONS**

5 K. **PROBABLE LENGTH OF TRIAL**

6 For a Bench Trial

7 L-1. **PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW** shall
8 be filed with this proposed order.

9 For a Jury Trial

10 L-2. **PROPOSED JURY INSTRUCTIONS, PROPOSED VOIR DIRE**
11 **QUESTIONS, PROPOSED JUROR QUESTIONNAIRES, AND PROPOSED FORMS OF**
12 **VERDICT** shall be filed with this proposed order.

13 APPROVED AS TO FORM AND CONTENT:

14
15 _____
Attorney for Plaintiff

15 _____
Attorney for Defendant

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