

1 **persons retained or specifically employed to provide expert testimony or whose duties as an**
2 **employee of the part regularly involve the giving of expert testimony.**

3 3. Any party shall supplement its disclosure regarding contradictory or rebuttal evidence
4 under Rule 26(a)(2)(c) on or before ***February 26, 2010.***

5 4. **Please be advised that failure to comply with this section or any other discovery**
6 **order of the court may result in the sanctions provided for in Fed.R.Civ.P.37 including a prohibi-**
7 **tion on the introduction of experts or other designated matters in evidence.**

8 5. All discovery, including experts, shall be completed by all parties on or before ***March 26,***
9 ***2010.*** "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil
10 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in
11 advance of the cut-off date, *so that it may be completed* by the cut-off date, taking into account the times
12 for service, notice and response as set forth in the Federal Rules of Civil Procedure. Counsel shall
13 promptly and in good faith meet and confer with regard to all discovery disputes in compliance with
14 Local Rule 37-251(b).

15 6. A **TELEPHONIC** Mandatory Settlement Conference shall be conducted on ***April 5,***
16 ***2010 at 9:00 a.m.*** before Magistrate Judge William McCurine, Jr. In cases where a party is **in**
17 **carcer-**
18 **ated** at the time of the scheduled conference, **counsel for Defendants shall make arrangements** for the
19 incarcerated party to appear telephonically. Defense counsel is ordered to initiate a joint call to
20 chambers on the day and at the time indicated above to (619) 557-6624.

21 7. All other pretrial motions must be filed on or before ***June 4, 2010.*** (*In intellectual*
22 *property cases, this would include claims construction hearings.*) Please be advised that counsel for the
23 moving party must obtain a motion hearing date from the law clerk of the judge who will hear the
24 motion. Be further advised that the period of time between the date you request a motion date and the
25 hearing date may vary from one district judge to another. Please plan accordingly. For example, you
26 should contact the judge's law clerk in advance of the motion cut-off to calendar the motion. Failure to
27 make a timely request a motion date may result in the motion not being heard.

28 8. Counsel shall file their Pretrial Statements and take any other action required by Local
Rule 16-281 on or before ***August 17, 2010.***

1 9. Counsel shall comply with the Pre-trial disclosure requirements of Federal Rule of Civil
2 Procedure 26(a)(3) on or before **August 17, 2010**.

3 10. Objections to Pre-trial disclosures shall be filed no later than **August 24, 2010**.

4 11. The Proposed Pretrial Order required by Local Rule 16-283 shall be prepared, served,
5 and lodged on or before **August 31, 2010**.

6 12. The final Pretrial Conference is scheduled on the calendar of **Judge Barry T.**
7 **Moskowitz** on **September 7, 2010 at 3:30 p.m.**

8 13. A post trial settlement conference before a magistrate judge may be held within 30 days
9 of verdict in the case.

10 14. The dates and times set forth herein will not be modified except for good cause shown.

11 15. Dates and times for hearings on motions should be approved by the Court's clerk before
12 notice of hearing is served.

13 16. Briefs or memoranda in support of or in opposition to any pending motion shall not
14 exceed twenty-five (25) pages in length without leave of a district court judge. No reply memorandum
15 shall exceed ten (10) pages without leave of a district court judge. Briefs and memoranda exceeding ten
16 (10) pages in length shall have a table of contents and a table of authorities cited.

17 **IT IS SO ORDERED.**

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19 DATED: September 4, 2009



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21 Hon. William McCurine, Jr.
22 U.S. Magistrate Judge, U.S. District Court
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