

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO

Civil Action No. 07-cv-00290-TDL-CBS

JOHNSTOWN FEED & SEED, INC. and
RHONDA SPRENG,

Plaintiffs,

v.

CONTINENTAL WESTERN INSURANCE COMPANY,

Defendant.

ORDER

Based on the status conference held September 29, 2009, the court makes the following rulings:

(1) This matter is set for trial beginning February 16, 2010 at 1:00 p.m. The courtroom for trial will be designated in a separate notice to counsel. Counsel should anticipate the court's holding an additional pretrial conference the morning of February 16, 2010. The court will seat an initial panel of 14 jurors. At the conclusion of voir dire, each side will be required to exercise 3 peremptory challenges to arrive at an eight-person jury panel. By agreement of the parties, the jurors will be permitted to take notes during the trial and will meet at the conclusion

of each trial day for a period not to exceed 30 minutes to discuss that day's testimony.

(2) To facilitate the court's review of evidentiary issues that may arise during trial, defendant is directed to provide courtesy copies of Doc. Nos. 96, 97, 101, and 103 to the court. The copies may be double-sided to conserve paper. If the documents are too large to staple, they shall be bound at the left-hand side in a manner that permits them to be opened flat.

(3) The parties shall confer in an attempt to present a stipulated order to the court detailing the rulings of the Honorable Marcia S. Krieger with respect to expert witnesses. The proposed order – or a notice to the court that the parties could not agree – shall be filed no later than **October 26, 2009**.

(4) To the extent the parties have not already done so, they are directed to meet and confer with the purpose of agreeing on the admissibility of all exhibits to which there is no **reasonable** objection. In conjunction with this conference, the parties are directed to produce and exchange all exhibits that have not yet been produced and exchanged, including demonstrative exhibits. Counsel are also directed to confer for the purpose of accomplishing all other necessary and appropriate steps to reduce the number of objections to exhibits and witnesses and to otherwise streamline and reduce the time of trial. In addition, counsel are reminded that the court will not allow the introduction of cumulative evidence, regardless of whether such evidence is introduced through exhibits or by the

testimony of witnesses. The parties shall hold this conference no later than **December 18, 2009.**

It is so ordered this 29th day of September, 2009.



TIM LEONARD
United States District Judge