

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 09-cv-02895-WJM-MJW

MICHAEL McCAMMOND,

Plaintiff,

v.

SCHWAN'S HOME SERVICE, INC.,

Defendant.

ORDER REQUIRING THE PARTIES TO SUBMIT TRIAL BRIEFS

The Court has reviewed the parties' recent pretrial filings and finds that trial briefs would be helpful in this case. Accordingly, the parties are hereby ORDERED to file trial briefs addressing the following:

1. Whether Defendant should be permitted to present evidence relating to whether the September 7, 1979 Contract of Employment for Retail Routes is the operative employment contract or whether it was cancelled, amended, or otherwise altered by later documents and/or agreements. The parties should specifically address the effect of Defendant's failure to include any reference to the cancellation, amendment or otherwise non-binding nature of the September 7, 1979 Contract of Employment in the December 16, 2010 Final Pretrial Order, or in its briefing on its motion for summary judgment.
2. Whether Colorado or Minnesota law applies to the question of whether the September 7, 1979 Contract of Employment was cancelled, amended, or

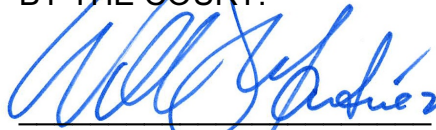
otherwise altered by later employment documents signed by Plaintiff.

3. Whether expert testimony is necessary to prove future damages.

The parties' trial briefs shall be no more than fifteen pages in length and shall be filed by August 12, 2011. No extension of the filing deadline, enlargement of the brief length, or responsive briefs will be permitted.

Dated this 8th day of August, 2011.

BY THE COURT:



William J. Martínez
United States District Judge