

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 11-cv-03185-RM-MJW

MARK D. NIEDERQUELL and,  
JUDITH A. NIEDERQUELL,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,  
THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES,  
SERIES 2006-3, and  
PEGGY J. KERN, Public Trustee of Rio Grande County, in her official capacity; and  
GREEN TREE SERVICING, LLC,

Defendants.

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**ORDER SETTING CASE FOR TRIAL**

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This matter has been scheduled for a **four-day jury trial** on the docket of Judge Raymond P. Moore in the U.S. District Court, Courtroom A601, 6<sup>th</sup> Floor, 901 19<sup>th</sup> Street, Denver, Colorado to commence on **April 18, 2016 at 9:00 a.m.** On the first day of trial to a jury, counsel are expected to be present at **8:30 a.m.** to go over any final matters before the commencement of trial.

A Trial Preparation Conference is set for **March 11, 2016 at 9:00 a.m.** Counsel who will try the case shall attend in person.

In the absence of a previously-imposed deadline, all motions to exclude expert testimony must be filed **sixty days** before the trial preparation conference.

**Fourteen days** before the trial preparation conference, counsel and any pro se party shall submit proposed jury instructions and verdict forms. The jury instructions shall identify the source of the instruction and supporting authority, e.g., § 103, Fed. Jury Practice, O'Malley, Grenig, and Lee (5<sup>th</sup> ed.). The parties shall submit their instructions and verdict forms both via CM/ECF and by electronic mail to: [Moore Chambers@cod.uscourts.gov](mailto:Moore_Chambers@cod.uscourts.gov) in Word Perfect format (Word Perfect 12 or a later version) or Word format. Verdict forms shall be submitted in a separate file from jury instructions. Within the jury instruction file, each jury instruction shall begin on a new page.

Each instruction should be numbered (e.g., "Plaintiff's Instruction No. 1") for purposes of making a record at the jury instruction conference. The parties shall attempt to stipulate to the jury instructions, particularly "stock" instructions and verdict forms.

In diversity cases where Colorado law applies, please submit instructions and verdict forms that conform to CJI-Civ 4<sup>th</sup>.

**Seven days** before the trial preparation conference, the parties shall file via CM/ECF (1) their proposed *voir dire* questions; (2) their witness lists; and (3) their exhibit lists. Forms of the witness and exhibit lists are found at <http://www.cod.uscourts.gov/Judges/Judges.aspx>. Please add at least ten additional blank rows at the end of the exhibit list to accommodate any additional exhibits that may be introduced at trial.

To the extent the deadlines and other provisions of this order conflict with this Court's Practice Standards, this order shall control.

The parties shall be prepared to address the following issues at the Trial Preparation Conference:

- 1) jury selection;
- 2) sequestration of witnesses;
- 3) timing of presentation of witnesses and evidence;
- 4) anticipated evidentiary issues;
- 5) any stipulation as to fact; and
- 6) any other issues affecting the duration or course of the trial.

DATED this 27<sup>th</sup> day of July, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge