

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-01899-PAB-GPG

ERIC A. HEINRICH,

Plaintiff,

v.

MASTER CRAFT ENGINEERING, INC., a Michigan corporation,
AUTO CENTER MANUFACTURING CO., a Florida corporation,
AUTOCRAFT MANUFACTURING CO., INC., a Florida corporation, and
JEG'S AUTOMOTIVE, INC., an Ohio corporation, a/k/a JEG'S, JEGS, JEG'S High
Performance and JEGS High Performance,

Defendants.

ORDER SETTING CASE FOR TRIAL

This matter has been scheduled for a ten-day jury trial on the docket of Judge Philip A. Brimmer in the Wayne Aspinall Building, 400 Rood Avenue, Grand Junction, Colorado, to commence on **August 1, 2016 at 8:00 a.m.** Trial will be held Monday through Friday of each week.

A Trial Preparation Conference is set for **July 8, 2016 at 1:30 p.m.** in the U.S. District Courthouse, Courtroom A701, 7th Floor, 901 19th Street, Denver, Colorado. Counsel who will try the case shall attend in person. Counsel for plaintiff may appear via videoteleconference.

In the absence of a previously-imposed deadline, all motions to exclude expert testimony must be filed no later than **May 2, 2016.**

Transcripts filed in support of objections to designations of deposition testimony must include the portion of the transcript containing the testimony with the testimony highlighted.

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 (5th ed.). The parties shall submit their instructions and verdict forms both via CM/ECF and by electronic mail to brimmer_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 4th.

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.

Two days after witness lists are filed, the parties shall file estimates of time required for their cross-examination of the opposing party's witnesses.

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 stipulations as to fact; and
- 6) any other issue affecting the duration or course of the trial.

DATED April 1, 2016.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge