

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WAYNE R. GRAY,

Plaintiff(s),

v.

Case No: 8:06-CV-1950-T-30TGW

NOVELL, INC., et al.,

Defendant(s).

CASE MANAGEMENT AND SCHEDULING ORDER

This cause came on for consideration concerning completion of discovery and the scheduling of pretrial procedures and trial. The Court has considered the positions of the parties as set forth in their Case Management Report, and hereby enters the following scheduling and case management requirements whose provisions are very precise and *shall be strictly adhered to*. Accordingly, it is **ORDERED**:

1. Parties are **directed** to meet the agreed upon terms and time limits set forth in their Case Management Report, as noted below (including any *exceptions* deemed appropriate by the Court):

Third-Party/Joinder Cut-Off:	November 30, 2007
Fact Discovery Cut-Off:	July 29, 2008
Plaintiff(s) Expert Disclosure:	August 12, 2008
Defendant(s) Expert Disclosure:	September 2, 2008
Expert Discovery Deadline:	October 1, 2008
Dispositive Motion Deadline:	November 3, 2008

2. Parties shall take heed that motions to amend any pleading or a motion for continuance of any pretrial conference, hearing or trial filed after issuance of this Case Management and Scheduling Order *are disfavored*. See Local Rules 3.05(c)(2)(E) and 3.05(c)(3)(D).

3. A **Pre-Trial Conference** will be held before the Honorable James S. Moody, Jr., United States Courthouse, 801 North Florida Avenue, Courtroom 13A, Tampa, Florida 33602, on **TUESDAY, FEBRUARY 3, 2009, AT 9:00 A.M.** (Pre-trial conferences generally last fifteen minutes.)

4. This case is set for **JURY TRIAL** in Courtroom 13A of the United States Courthouse, 801 N. Florida Avenue, Tampa, Florida, during the **MARCH 2, 2009**, trial term before the Honorable James S. Moody, Jr. (Trial terms run a calendar month.)

5. Any **motions in limine** shall be filed with the Clerk of Court at least three (3) weeks prior to the commencement of trial.

6. Not later than **five (5) days prior to the date on which the trial term is set to commence**, *see* ¶ 4, the parties **shall file** with the Clerk of Court, the following (and as to each of the following, provide directly to Chambers, by mail or hand-delivery a "Judge's Courtesy Copy," so marked). Further, counsel shall provide the Court with a diskette containing the parties' jury instructions and verdict form(s) in WordPerfect format the day trial commences.

- (a) **Trial Brief:** A trial brief shall be filed only if there are disputed issues of law likely to arise at trial that have not been addressed by previous motions; **and either (b) or (c) below, as appropriate.**
- (b) **If case is a jury trial**, the following:
 - (1) A concise (one paragraph preferably) ***joint or stipulated*** statement of the nature of the action to be used in providing a basic explanation of the case to the jury venire;
 - (2) ***Proposed Voir Dire*** (the Court will conduct the voir dire and, in addition to the usual more general questions, will without initiation by counsel ask more particular questions suggested by the nature of the case; counsel should, therefore, be selective in the jury questions submitted to the Court for consideration);
 - (3) A complete set of all written **Proposed Jury Instructions** (which shall bear a cover sheet with the complete style of the case and appropriate heading designating the submitting party; there shall be no more than one instruction per page and contain,

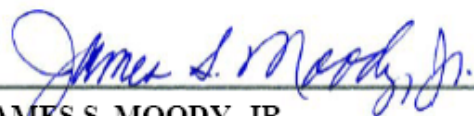
at the end of each such instruction, citation of authorities, if any); they shall be sequentially numbered and party-identified (e.g., Plaintiff's Requested Instruction No. 1); and

(4) **Proposed Verdict Form**

- (c) **If case is a non-jury trial, Proposed Findings of Fact and Conclusions of Law** (each shall be separately stated in numbered paragraphs; Findings of Fact shall contain a detailed listing of the relevant material facts the party intends to prove, in a simple, narrative form; Conclusions of Law shall contain a full exposition of the legal theories relied upon by counsel). Counsel shall provide the Court with a diskette containing the parties' Proposed Findings of Fact and Conclusions of Law in WordPerfect format the day trial commences.

7. The **Pre-Trial Conference** shall be attended by counsel who will act as lead trial counsel in the case and who is vested with full authority to make and solicit disclosure and agreements touching all matters pertaining to the trial.

DONE and **ORDERED** in Tampa, Florida on March 7, 2007.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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