

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

CITY OF WINTER HAVEN,

Plaintiff,

vs.

Case No. 8:09-cv-190-T-17EAJ

CLEVELAND INDIANS BASEBALL
COMPANY LIMITED PARTNERSHIP,

Defendant.

CASE MANAGEMENT AND SCHEDULING ORDER

This cause came on for consideration concerning completion of discovery and the scheduling of pre-trial procedures and trial, and the Court having considered the positions of the parties, it is

ORDERED:

1. Parties are directed to meet the agreed upon terms and time limits in the parties' Case Management Report, except as noted below:

**Third-Party/Joinder
Discovery Cut-Off
Dispositive Motion filing**

**June 1, 2009
September 1, 2009
October 1, 2009**

2. Parties are further directed to meet the pretrial disclosure requirements and deadlines in Rule 26(a)(3), Fed.R.Civ.P., and to adhere timely to all requirements in Local Rule 3.06 concerning final Pretrial Procedures.

3. 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 Rule 3.05(c)(2)(E) and Local Rule 3.05(c)(3)(D)].

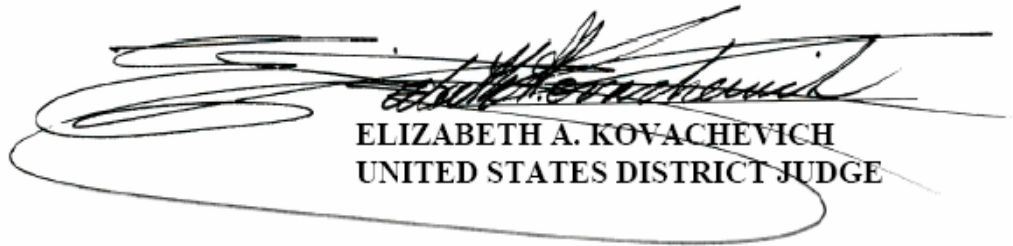
4. A pre-trial conference may be scheduled on twenty (20) days notice, on or after November 1, 2009. The pre-trial conference in this cause will be scheduled before the appropriate magistrate judge by separate order. In a jury trial case, the parties shall bring to the pre-trial conference their trial briefs, proposed jury instructions, and proposed jury verdict forms. In a bench trial, the parties shall bring to the pre-trial conference their trial briefs.

5. Trial may be scheduled on twenty (20) days notice, on or after **December 1, 2009**. The Court may schedule the pre-trial and or trial earlier if there are no dispositive motions filed or if the motions are disposed of earlier than expected.

6. In order that the intended purposes of the pre-trial procedures are accomplished, all meetings of counsel, including the pre-trial conference, shall be attended by counsel who will participate in the trial of the case and is vested with full authority to make and solicit disclosures and agreements touching all matters pertaining to the trial.

7. The parties state that this is a jury trial that will take an estimated twenty-four hours to try.

DONE AND ORDERED in Chambers in Tampa, Florida, this 9th day of March, 2009.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All Parties and Counsel of Record