

Exhibit D

FILED by <u>SW</u> D.C. ELECTRONIC
Jun 15 2005
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)**

CASE NO: 03-60867-CIV-HIGHSMITH (GARBER)

ABBOTT LABORATORIES, an Illinois corporation,)	
)	
Plaintiff,)	
vs.)	
)	
ANDRX CORPORATION, a Delaware corporation, ANDRX PHARMACEUTICALS, INC., a Florida corporation, and ANDRX LABS, INC., a Florida corporation, and ANDRX LABS, L.L.C., a Delaware limited liability company,)	
)	
Defendants.)	

JOINT MOTION FOR A SPECIALLY SET TRIAL DATE

Plaintiff Abbott Laboratories (“Abbott”) and Defendants Andrx Corp., Andrx Pharmaceuticals, Inc., Andrx Labs, Inc., and Andrx Labs, LLC (collectively, “Andrx”) hereby move the Court for a specially set trial date, and state as follows:

1. This patent infringement action, brought pursuant to the federal Hatch-Waxman Act, focuses on whether the proposed generic product described in Andrx’s New Drug Application No. 21-617 would, if allowed on the market, infringe the claims of two patents owned by Abbott. Andrx has denied infringement.

2. The matter is currently scheduled for trial before the Court during the two-week period commencing July 18, 2005, with calendar call scheduled for July 15, 2005. *See* Order Resetting Trial Date and Discovery Schedule [D.E 40].

{M2269484;1}

3. The overwhelming majority of witnesses that the parties intend to call at trial reside outside the State of Florida and, therefore, will need to travel to Miami for the trial. In addition, Abbott's lead counsel are located in Chicago, Illinois, as are the Abbott representatives who will be attending the trial.¹ Similarly, Andrx's co-lead counsel resides in New York.

4. At this time, the parties believe that this case could be tried in approximately seven days.

5. Abbott anticipates calling the following four out-of-town witnesses: (i) Dr. Jerry L. Atwood (Chair of the Department of Chemistry at the University of Missouri); (ii) Dr. Thomas Niemczyk (Chair of the Department of Chemistry at the University of New Mexico); (iii) Eric J. Munson (Associate Professor of Chemistry at Kansas University); and (iv) possibly Boyong Li (a former Andrx employee who now works for Mylan Pharmaceuticals in Morgantown, West Virginia). Each of these witnesses has substantial responsibilities in his workplace and will need to make special arrangements to be available for trial. Although Abbott may revise its list of witnesses closer to the trial date, that would not alter the fact that the majority of Abbott's witnesses, its corporate representatives, and its counsel are located out of state.²

6. Andrx anticipates calling the following three out-of-town witnesses: (i) Dr. Harry Brittain (who resides in Milford, NJ); (ii) Dr. Joseph Gardella (Professor of Chemistry at the State University of New York at Buffalo); and (iii) Dr. Cecil Dybowski (Professor of Chemistry

¹ James R. Daly of Jones Day in Chicago, Illinois has been admitted *pro hac vice*. See Order Granting Motion for James R. Daly to Appear Pro Hac Vice in *Abbott Laboratories v. Andrx Corp. et al.*, Case No. 00-6520 (S.D. Fla.) [D.E. 22]. By Order dated October 22, 2003 [D.E. 20], this Court held that the *pro hac vice* admissions in Case No. 00-6520 shall apply to this case. In addition, Daniel E. Reidy and Jason G. Winchester of Jones Day in Chicago, Illinois, will be applying for *pro hac vice* admission shortly.

² The parties are required to submit a joint pretrial stipulation on June 27, 2005.

at the University of Delaware). Like the witnesses for Abbott, each of these gentlemen has substantial responsibilities that will need to be rearranged so that he can be available for trial.

7. Bringing all of these persons to Miami for trial is obviously quite an undertaking, requiring a great deal of expense, jostling schedules, transporting voluminous records from several different states, securing lodging and workspace, and the like. Abbott and Andrx are, of course, willing to do this, but both would prefer, if at all possible, to do it only once. It would be a tremendous waste of the parties' resources to present for trial at the July 15, 2005 calendar call, only to find that, for whatever reason, the case cannot be tried.

8. Accordingly, Abbott and Andrx respectfully and jointly request that the trial of this matter be specially set by the Court. The Court has had specially-set dates for the litigation between these parties in the past (*see* D.E. 38 and 51 entered in case number 00-6520, the precursor to this action), and the parties submit that a specially-set trial date would eliminate the potential expense and prejudice that would result if all of the witnesses, counsel and other representatives traveled to Miami only to have the trial postponed.

9. This motion is made in good faith and not for the purpose of delay. Rather, Abbott and Andrx simply seek the security of a firm trial date.

10. For the Court's convenience, a proposed order is attached hereto.

WHEREFORE, Abbott and Andrx respectfully request that the Court grant their Motion for a Specially Set Trial Date.

Dated: June 15, 2005

ABBOTT LABORATORIES

ANDRX CORPORATION
ANDRX PHARMACEUTICALS, INC.
ANDRX LABS, INC.
ANDRX LABS, LLC

/s/ Julie E. Nevins

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Martin P. Endres
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1185 Avenue of the Americas
New York, NY 10036
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Joint Motion for Specially Set Trial Date* was furnished by fax and U.S. Mail this 15th day of June, 2005 upon:

Martin Endres
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1185 Avenue of the Americas
New York, NY 10036-2646

Gerald Houlihan
Houlihan & Partners
2600 Douglas Road, Suite 600
Miami, FL 33134

/s/ Julie E. Nevins

Julie E. Nevins

{M2269484;1}

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 03-60867-CIV-HIGHSMITH (GARBER)

ABBOTT LABORATORIES, an Illinois)
corporation,)
)
Plaintiff,)
vs.)
)
ANDRX CORPORATION, a Delaware)
corporation, ANDRX PHARMACEUTICALS,)
INC., a Florida corporation, and ANDRX LABS,)
INC., a Florida corporation, and ANDRX LABS,)
L.L.C., a Delaware limited liability company,)
)
Defendants.)

ORDER SPECIALLY SETTING TRIAL DATE

THIS CAUSE coming to be heard on the parties' *Joint Motion for Specially Set Trial Date* filed June 15, 2005, and the Court being fully advised in the premises, it is hereby ORDERED that trial in this matter is specially set to commence on _____, at 9:00a.m., before the Honorable Shelby Highsmith, United States District Judge, at the James Lawrence King Federal Justice Building, Tenth Floor, Courtroom 5, 99 N.E. 4th Street, Miami, Florida. Calendar Call shall be held on _____, at _____ at the same location. All other provisions of the Order Resetting Trial Date and Discovery Schedule [D.E. 40] shall remain in full force and effect.

DONE and ORDERED in chambers at Miami-Dade County, Florida, this ____ day of June, 2005.

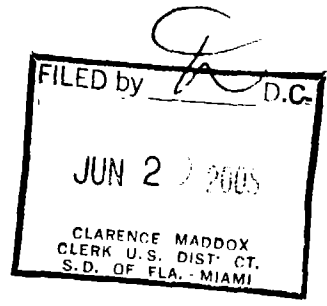
SHELBY HIGHSMITH
UNITED STATES DISTRICT JUDGE

cc: John F. O'Sullivan, Esq.
Gerald J. Houlihan, Esq.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 03-60867-CIV-HIGHSMITH (GARBER)

ABBOTT LABORATORIES, an Illinois)
corporation,)
)
Plaintiff,)
vs.)
)
ANDRX CORPORATION, a Delaware)
corporation, ANDRX PHARMACEUTICALS,)
INC., a Florida corporation, and ANDRX LABS,)
INC., a Florida corporation, and ANDRX LABS,)
L.L.C., a Delaware limited liability company,)
)
Defendants.)



ORDER SPECIALLY SETTING TRIAL DATE

THIS CAUSE coming to be heard on the parties' *Joint Motion for Specially Set Trial Date* filed June 15, 2005, and the Court being fully advised in the premises, it is hereby ORDERED that trial in this matter is specially set to commence on October 24, 2005, at 10:30 a.m. before the Honorable Shelby Highsmith, United States District Judge, at the James Lawrence King Federal Justice Building, Tenth Floor, Courtroom 5, 99 N.E. 4th Street, Miami, Florida. Calendar Call shall be held on October 14, 2005, at noon at the same location. All other provisions of the Order Resetting Trial Date and Discovery Schedule [D.E. 40] shall remain in full force and effect.

DONE and ORDERED in chambers at Miami-Dade County, Florida, this 28 day of June, 2005.

(for) 
SHELBY HIGHSMITH
UNITED STATES DISTRICT JUDGE

cc: John F. O'Sullivan, Esq.
Gerald J. Houlihan, Esq.

{M2269489;1}CHI-1482478v1

AMS, CLOSED, MEDIATION, REF_TRL

**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:08-cv-61486-AMS**

Bonner v. American Offshore Marine, Inc.
Assigned to: Magistrate Judge Andrea M. Simonton
Cause: 42:1981 Civil Rights

Date Filed: 09/18/2008
Date Terminated: 02/10/2010
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Donovan Bonner

represented by **Anthony Maximillien Georges-Pierre**
Remer & Georges-Pierre PLLC
11900 Biscayne Boulevard
Suite 288
North Miami, FL 33181
305-416-5000
Fax: 305-416-5005
Email: agp@rgpattorneys.com
TERMINATED: 11/09/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Stanley Weber
Remer & Georges-Pierre PLLC
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Suite 288
North Miami, FL 33181
305-416-5000
Fax: 416-5005
Email: mw@rgpattorneys.com
TERMINATED: 11/09/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donna Marie Nanan
Law Office of Donna Nanana PL
110 E. Broward Blvd., Suite 1700
Fort Lauderdale, FL 33301
954-552-8557
Email: donnananan@comcast.net
ATTORNEY TO BE NOTICED

V.

Defendant

06/26/2009	35	PAPERLESS ORDER re-setting telephonic status and scheduling conference. The telephonic status and scheduling conference, which was previously set for July 1, 2009, is hereby re-set for Monday, June 29, 2009 at 1:30 p.m. If the parties desire to alter the existing Scheduling Order, the parties shall file the Proposed Time Schedule -- which is attached to this Court's 32 prior Order -- on or before June 29, 2009 at 10:30 a.m. Signed by Magistrate Judge Andrea M. Simonton on 6/26/09. (jse) (Entered: 06/26/2009)
06/27/2009	36	NOTICE by Donovan Bonner <i>Notice of Filing Proposed Joint Scheduling Report and Discovery Plan</i> (Georges-Pierre, Anthony) (Entered: 06/27/2009)
06/29/2009	37	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Status and Scheduling Conference held on 6/29/2009. Attorney Anthony Georges-Pierre appeared on behalf of the Plaintiff. Attorney Joseph Wolsztyniak appeared on behalf of the Defendant. Joint scheduling order dates discussed. (Specially set jury trial to commence 6/21/2010 09:00 AM in Miami Division before Magistrate Judge Andrea M. Simonton. Pretrial Conference set for 6/11/2010 10:00 AM in Miami Division before Magistrate Judge Andrea M. Simonton). (Digital 13:36:35.) (Tape #09-FX-51-434.) (aw) (Entered: 06/29/2009)
07/02/2009	38	ORDER SETTING PRETRIAL AND TRIAL DATES and establishing Pretrial Procedures : Pretrial Conference set for 6/11/2010 10:00 AM in Miami Division before Magistrate Judge Andrea M. Simonton. Jury Trial set for 6/21/2010 09:00 AM before Magistrate Judge Andrea M. Simonton. Expert Discovery due by 4/1/2010. Fact Discovery due by 2/1/2010. Motions due by 8/3/2009. Pretrial Stipulation due by 5/27/2010.. Signed by Magistrate Judge Andrea M. Simonton on 7/1/2009. (tb) (Entered: 07/06/2009)
08/07/2009	39	NOTICE of Mediator Selection: Martin A. Soll selected.(Georges-Pierre, Anthony) (Entered: 08/07/2009)
08/31/2009	40	PAPERLESS ORDER requiring Joint Status Report regarding mediation. Pursuant to this Court's Scheduling Order 38 , the parties are required to complete mediation on or before September 1, 2009. An examination of the record discloses that the parties have selected a mediator 39 , but that the parties have neither filed a notice scheduling mediation nor any indication that mediation has occurred. Therefore, on or before September, 4, 2009, the parties shall file a Joint Status Report regarding their compliance with this requirement. Signed by Magistrate Judge Andrea M. Simonton on 8/31/2009. (dlt) (Entered: 08/31/2009)
08/31/2009		Set Deadline: Status Report due by 9/4/2009. (dm) (Entered: 09/01/2009)
09/04/2009	41	REPORT REGARDING JOINT MEDIATION by Donovan Bonner. (Georges-Pierre, Anthony) (Entered: 09/04/2009)
09/21/2009	42	Notice of Mediation Hearing before Mediator, Martin A. Soll filed by Martin A. Soll. Mediation Hearing set for 10/6/2009 02:00 PM (Salmon, John) (Entered: 09/21/2009)
09/21/2009	43	NOTICE OF SCHEDULING MEDIATION AND REQUEST FOR ORDER SETTING MEDIATION by Donovan Bonner (Georges-Pierre, Anthony)

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 08-61641-CIV-MORENO

CHRISTINA BRODER, and on behalf of all
others similarly situated,

Plaintiff,

vs.


STROUP & MARTIN, P.A. and JAMES W.
STROUP,

Defendants.

ORDER SPECIALLY SETTING TRIAL

Trial shall take place before the undersigned, United States District Judge Federico A. Moreno, at the United States Courthouse, Wilkie D. Ferguson Jr. Building, Courtroom 13-3, 400 North Miami Avenue, Miami, Florida 33128, on **Monday, August 10, 2009 at 9:00 a.m.** Plaintiff's witnesses are Christina Broder and Donna Thompson. Defendants' witnesses are James Stroup, Ferris Martin, Bonnie Angueira, John Keasling, Frances Stuckman, William Morgan, Jane Johnson, Marge McClain, and Judge Hurley.

DONE AND ORDERED in Open Court on July 14, 2009 and signed in Chambers at Miami, Florida, this 14 day of July, 2009.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of Record

BLG, REF_DISCOV, STAYED

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:09-cv-21893-WMH**

Chow et al v. Chau et al
Assigned to: Senior Judge William M. Hoeverler
Referred to: Magistrate Judge William C. Turnoff
Cause: 28:1331 Fed. Question: Trademark

Date Filed: 07/08/2009
Jury Demand: Defendant
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Michael Chow
also known as
"MR. CHOW"

represented by **Alan Jay Kluger**
Kluger Kaplan Silverman Katzen &
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 12/09/2010
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ATTORNEY TO BE NOTICED

Michael B. Chesal
Peretz Chesal & Herrmann, PL
Miami Center
201 S Biscayne Boulevard

03/08/2011	238	ORDER denying 203 Motion for Sanctions; denying 204 Motion for Contempt. Signed by Magistrate Judge William C. Turnoff on 3/7/2011. (mao) Modified text/signature date on 3/9/2011 (dgj). (Entered: 03/08/2011)
03/16/2011	239	PAPERLESS NOTICE of Hearing: RULE 16 Status Conference set for 3/30/2011 01:15 PM in Miami Division before Senior Judge William M. Hoeveler. In the event this case should settle, counsel are instructed to notify chambers immediately. (ch1) (Entered: 03/16/2011)
03/30/2011	240	PAPERLESS Minute Entry for proceedings held before Senior Judge William M. Hoeveler: Rule 16 hearing held on 3/30/2011. Parties Present: Roberto Martinez, Esq.; Curtis Miner, Esq.; Anthony Acetta., Esq. Jury Trial special set for January 23, 2012; Pre-trial Conference date remains on December 5, 2011 @ 10:00 am. Parties agree that the Court will retain Magistrate Judge Turnoff for any future need of reference due to the complexity of the case, and the amount of work done on the case. Court Reporter: Robin Dispenzieri, 305-523-5659 / Robin_Dispenzieri@flsd.uscourts.gov (tas) (Entered: 03/30/2011)
03/30/2011	241	PAPERLESS SCHEDULING ORDER: Final Pretrial Conference set for 12/5/2011 10:00 AM in Miami Division before Senior Judge William M. Hoeveler. Jury Trial Special Set for 1/23/2012 before Senior Judge William M. Hoeveler. Discovery due by 7/29/2011. Expert Discovery due by 7/29/2011. Fact Discovery due by 7/29/2011. Motions due by 9/2/2011. Signed by Senior Judge William M. Hoeveler on 3/30/2011. (tas) (Entered: 03/30/2011)
05/11/2011	242	Clerk's Notice of Undeliverable Mail re 240 Status Conference,, 241 Scheduling Order,. US Mail returned for: return to sender attempt not known unable to forward. <i>The Court has not located an updated address for this party. After two unsuccessful noticing attempts, notices from the Court will no longer be sent to this party in this case until a correct address is provided.</i> US Mail returned for Sun Chun Hui. First return/attempt (Entered: 05/11/2011)
05/17/2011	243	Unopposed MOTION for Extension of Time extend pre-trial deadline for disclosure of expert witnesses and reports <i>Plaintiffs' Unopposed Motion to Extend Pre-Trial Deadline for Disclosure of Expert Witnesses and Reports</i> re 233 Notice (Other) by Michael Chow. Responses due by 6/3/2011 (Attachments: # 1 Text of Proposed Order)(Miner, Curtis) (Entered: 05/17/2011)
05/18/2011	244	Paperless ORDER granting 243 Unopposed Motion for Extension of Time. The parties shall serve their disclosure of expert witnesses and reports on or before June 17, 2011. Signed by Senior Judge William M. Hoeveler on 5/18/2011. (gm1) (Entered: 05/18/2011)
06/22/2011	245	NOTICE of Change of Address by Anthony Accetta (Accetta, Anthony) (Entered: 06/22/2011)
06/22/2011	246	Unopposed MOTION to Withdraw as Attorney by Matthew A. Cuomo. by Chak Yam Chau, Dave 60 NYC, Inc., Costin Dumitrescu, Yao Wu Fang, Manny Hailey, Ping Ching Kwok, David Lee, Stratis Morfogen, Philippe Express LLC, Philippe Miami LLC, Philippe North America Restaurants,

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-20265-CIV-MARTINEZ-BANDSTRA
“Consent Motion”

COMMERCIAL JET, INC., a
Florida corporation,

Plaintiff,

vs.

WREN EQUIPMENT FINANCE LTD.,
a foreign corporation,

Defendant.

_____ /

JOINT MOTION TO SPECIAL SET NONJURY TRIAL

As suggested by the Court, Defendant WREN EQUIPMENT FINANCE LTD. (“Wren”) and Plaintiff COMMERCIAL JET, INC. (“CJI”) hereby jointly move for the entry of an Order specially setting this matter for nonjury trial and state in support thereof:

1. On March 2, 2006, this Court entered an Order setting the trial in this matter for the two-week trial period commencing Monday, October 16, 2006 and ending Friday, October 28, 2006. [DE 38]. The parties and counsel accordingly cleared their respective schedules to proceed with the trial during that period.

2. On October 12, 2006, the parties appeared at the Court's Calendar Call at which they were informed by the Court that this matter would not be called for trial during the previously set October 16 – October 28 period. The Court stated, however, that this matter may be called for trial as a back-up case to a criminal trial which was specially set to begin on Monday, October 30, 2006, *United States v. Layne and Scarpon*, Case No.: 05-20419-CR-JEM. The Court further informed that this matter would not be called for trial any earlier than October 30, 2006, and that the parties would be provided with sufficient advance notice and consideration of their respective scheduling conflicts thereupon. The Court instructed counsel to provide any conflicts during this potential interval to its courtroom and law clerks.

3. Counsel for Plaintiff has advised of its conflicts which include: October 30 – November 1, 2006 (trial in Key West, Florida), November 22 – 29, 2006 and February 1 – 2, 2007. Specific details of said conflicts will be provided to the Court upon request.

4. Defendant Wren is an English company and its business and Defendant's sole witness are located in London, England. As a result, Defendant requires advance notice so that the appropriate arrangements can be timely made to travel from London to attend trial in Miami, Florida. As requested, Defendant has provided the Judge's clerk with its party and counsel's conflicts. These include: November 2, 3, 7, 8, 16, 22 - 29, 2006; December 5, 8, 2006; January 8-

10, 2007. Specific details of said conflicts will also be provided to the Court upon request.

5. The parties have since been advised, both by the Court and counsel in *United States v. Layne and Scarpon*, Case No.: 05-20419-CR-JEM, that the case will be proceeding to trial as scheduled on October 30, 2006. The parties have also been informed that the *United States v. Layne* trial is expected to last at least two to three weeks, thus consuming the entire October 30 trial period. The Court has informed that it has another specially set two week trial commencing November 13, 2006.

6. On October 17, 2006, the Court, *sua sponte*, entered an Order asking the parties to consider bilateral consent to a trial before a Magistrate Judge.

7. However, on October 20, 2006, the parties respectfully filed a Notice of Non-Consent to a Magistrate trial.

8. As a result of (1) this matter not being called for trial during the October 16 – October 28 period as previously scheduled, (2) the aforementioned scheduling conflicts and (3) information that the October 30 specially set trial will be proceeding as scheduled for two to three weeks, the Court has suggested that the parties file a Joint Motion to specially set this nonjury trial, and to set out in the Motion time periods that are mutually available for both parties.

9. Therefore, at the Court's suggestion, the parties jointly move to have this trial specially set during a period mutually convenient for the parties and available to the court. The trial in this matter is expected to last 3 - 4 days.

As the Court requested, the parties suggest the following mutually available trial periods for a special setting:

January 15 – January 19, 2007;

January 22 – January 26, 2007.

In addition to Plaintiff's conflicts of February 1 - 2, 2007, counsel for Plaintiff is on a four week calendar for a two day trial during the month of February. If the Court would give consideration to these four conflicting days, the parties would also be available during the remaining days of February for a special setting.

10. A jointly approved proposed form of Order is attached for entry by the Court.

WHEREFORE, the parties, as suggested by the Court, respectfully request the entry of an Order specially setting the trial in this matter at time mutually convenient for the parties and the court.

Respectfully submitted,

McDONALD & McDONALD
Attys. for Commercial Jet, Inc.
1393 S.W. 1st Street
Suite 200
Miami, FL 33135-2386
(305) 643-5313
(305) 643-4990 – fax
dmm@Mcdonaldattorneys.com

_____/s/_____
David M. McDonald, Esq.
Fla. Bar No. 0844380

Respectfully submitted,

JOHN C. DOTERRER
COUNSELLORS AT LAW, P.A.
Attys. for Wren Equipment Finance Ltd.
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Palm Beach, FL 33480
(561) 802-3808
(561) 802-3318 – fax
dottj@dottlaw.com

_____/s/_____
John C. Dotterer, Esq.
Fla. Bar No. 267260

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 05-20265-CIV-MARTINEZ-BANDSTRA

COMMERCIAL JET, INC., a Florida
Corporation,

Plaintiff,

vs.

WREN EQUIPMENT FINANCE LTD., a foreign
corporation,

Defendant.

ORDER GRANTING JOINT MOTION TO SPECIAL SET NONJURY TRIAL


THIS CAUSE comes before the Court on the parties' Joint Motion to Special Set Nonjury Trial (**D.E. No. 63**), filed on **October 25, 2006**. It is hereby:

ORDERED AND ADJUDGED that

1. The parties' Joint Motion to Special Set Nonjury Trial (**D.E. No. 63**) is **GRANTED**. Trial is specially set to begin on **Tuesday, January 16, 2007 at 9:30 AM** and to **continue until Friday, January 19, 2007** with calendar call commencing on **Thursday, January 4, 2007 at 1:30 p.m.**

2. All pretrial deadlines have expired and are not restarted by this Order.

DONE AND ORDERED in Chambers at Miami, Florida, this 1 day of November, 2006.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Bandstra
All Counsel of Record