

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-80954-CIV-HURLEY/HOPKINS

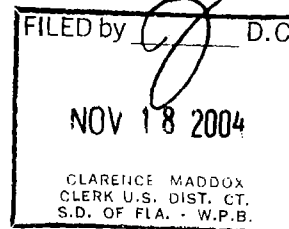
STELOR PRODUCTIONS, INC.,

Plaintiff(s),

vs.

STEVEN A. SILVERS,

Defendant(s).



**ORDER SETTING TRIAL DATE & DISCOVERY DEADLINES,
REFERRING CASE TO MEDIATION &
REFERRING DISCOVERY TO UNITED STATES MAGISTRATE JUDGE**

THIS CAUSE is before the court following the filing of plaintiff's complaint. It is thereupon, **ORDERED** and **ADJUDGED**:

Plaintiff's Obligation to Serve a Copy of this Order

1. Plaintiff's counsel shall provide a copy of this order to each defendant within five days of defendant's first notice of appearance, whether by counsel or *pro se*. Thereafter, plaintiff's counsel shall immediately file a notice of compliance indicating the name of the person served and the date on which a copy of this order was served.

Trial Date & Location

2. This case is set for trial on the **October 2005 Trial Calendar** which commences on **Monday, October 3, 2005**. Counsel for all parties shall appear at a calendar call commencing at **2:00 p.m. on Friday, September 23, 2005**, in courtroom 5 at the U.S. Courthouse, 701 Clematis Street, West Palm Beach, Florida.

No Joint Scheduling Report

3. This order supersedes the requirements listed in Rule 16.1(B) of the Local Rules of the Southern District of Florida. The parties in this case are not required to file any joint scheduling reports or proposed scheduling orders with the court as prescribed by that rule.

Discovery Referred to Magistrate Judge

4. In accordance with the Magistrate Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72 of the Federal Rules of Civil Procedure, all pretrial discovery motions filed in this case and all motions that relate directly to these motions, (e.g., extension of time, reconsideration, sanctions, and mental or physical examinations, etc.) are **REFERRED** to the Honorable James M. Hopkins, United States Magistrate Judge, for final disposition. In light of this referral, copies of discovery motions and responsive pleadings shall be sent only to Judge Hopkins and not to the undersigned. Counsel are reminded of Local Rule 5.1(A)(5)(b) which requires that the Magistrate Judge's name appear on all pleadings (e.g. 03-99999-CIV-HURLEY/HOPKINS).

5. This referral shall expire at the end of the discovery period established in the pretrial schedule below. Upon expiration, all matters pending before the Magistrate Judge shall remain before that Judge for resolution, and all new matters filed shall be resolved by the undersigned.

Pretrial Discovery Schedule

6. Pretrial discovery shall be conducted in accordance with Local Rule 16.1 and Rule 26(a) of the Federal Rules of Civil Procedure. Unless amended by subsequent order, the following deadlines shall apply.

<u>Rule 14 and Rule 19 Motions</u>	180 days before calendar call
<u>Rule 26(a)(2) Expert Testimony Disclosures</u>	90 days before calendar call

<u>Summary Judgment Motions</u>	90 days before calendar call [This deadline will be strictly enforced. Motions for extension of time to file motion or response will not be granted absent exceptional cause.]
<u>Mediation Conference</u>	60 days before calendar call
<u>Rule 26(a)(3) Witness and Exhibit Disclosures</u>	30 days before calendar call
<u>Discovery Cutoff</u>	10 days before calendar call
<u>Motions in Limine</u>	5 days before calendar call
<u>Pretrial Stipulation</u>	5 days before calendar call (note Local Rule 16.1.E)
<u>Voir Dire Questions</u>	First day of jury trial
<u>Jury Instructions</u>	First day of jury trial
<u>Proposed Findings of Fact & Conclusions of law</u>	First day of non-jury trial

Failure to comply with these deadlines may result in exclusion of testimony or exhibits. See Fed R. Civ. P. 37(c)(1); Klonoski v. Mahlab, 156 F.3d 255 (1st Cir. 1998).

If, after reviewing the above schedule, the parties wish to propose a mutually acceptable alternative, they may submit a proposed discovery schedule in the form of a proposed agreed order. Once entered, it shall supersede the generic schedule outlined above.

However, while the parties may stipulate to different deadlines, they shall not shorten the following time frames: (1) deadline for filing summary judgment motions; (2) deadline for exchange of Rule 26(a)(3) witness and exhibit disclosures; and (3) deadline to make Rule 26(a)(2) expert testimony disclosures.

Requirements for Trial

7. On the first day of trial, each party shall hand to the court reporter **two complete copies of its exhibit list**. The list, set out on Form AO 187 (available from the Clerk's office) shall

indicate the pre-marked number, a brief description of the exhibit and shall contain a space or a line for the court's ruling on the admissibility of each exhibit.

8. On the first day of trial, each party shall hand to the court reporter **two complete copies of its witness list**. The witness list shall include the names of all persons intended to present expert testimony, and shall clearly mark their intended designation as "expert" witnesses.

Mediation

9. Pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.2, this case is referred to mediation as follows:

(a) To the extent they do not conflict with the provisions of this order, all terms and provisions of the form mediation order set forth at Local Rule 16.2(H) are hereby incorporated by reference and shall be binding upon the parties in this case;

(b) The parties shall, within one-hundred-eighty (180) days from the date of entry of this order, agree upon a mediator. If they are unable to agree, plaintiff's counsel shall promptly notify the Clerk's office of their disagreement, and the Clerk will designate a mediator from the list of certified mediators on a blind rotation basis;

(c) Plaintiff's counsel shall be responsible for coordinating the mediation conference date and location agreeable to the mediator and all counsel of record.

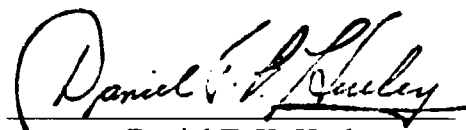
Motion Practice

10. Every motion filed in this case shall be accompanied by **one proposed original order** granting the motion. The order shall contain an **up-to-date service list** (names and addresses) of all attorneys in the case. In light of the court's "fax-back" program, additional copies of the proposed order and self-addressed stamped envelopes should not be provided. All motions shall be filed with the Clerk's office. The court will not accept any motions mailed directly to chambers.

Telephonic Conferencing

11. When practical, counsel are urged to utilize telephonic conferencing for pretrial appearances, including calendar call. It is imperative, however, that telephonic conferencing be done only with *operator assisted* conferencing. For technical reasons related to the court's conferencing equipment, your office equipment is not an acceptable means of telephonic conferencing. Counsel wishing to appear in this manner for any proceeding must notify the Courtroom Deputy at 561/803-3452 at least 24 hours prior to the proceeding. **Counsel wishing to appear for the calendar call by telephone must so notify the Courtroom Deputy by noon of the Wednesday preceding the date of the calendar call.**

DONE and SIGNED in Chambers at West Palm Beach, Florida, this 18th day of November, 2004.


Daniel T. K. Hurley
United States District Judge

Copy provided counsel