

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MARK MULLANEY and LYNETTE	)	Civ. No. 07-00313 ACK-LEK
MULLANEY,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HILTON HOTELS CORPORATION	)	
d/b/a/ HILTON WAIKOLOA VILLAGE,	)	
a Delaware corporation, and	)	
ATTCO, INCORPORATED, a Hawai'i	)	
corporation,	)	
	)	
Defendants.	)	
	)	

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**ORDER SETTING PRETRIAL CONFERENCE AND DEADLINES**

A jury trial in this matter is scheduled to commence **August 11, 2009**, at 9:00 a.m. The Court amends as follows the deadlines set forth by Magistrate Judge Kobayashi on February 25 and 26, 2009. All other trial-related deadlines not amended by this Order remain in effect.

1. A final pretrial conference shall be held before the trial judge on **August 5, 2009** at 10:00 a.m.
2. Motions in limine shall be filed by **July 21, 2009**.
3. Oppositions to motions in limine shall be filed by **July 24, 2009**. Plaintiffs have requested, and received approval from Magistrate Judge Kobayashi, to file up to 20 motions in

limine. In Plaintiffs' motion, they asserted the following reasons for such a large number of motions in limine:

Plaintiffs must address negligence, product liability issues, warranty claims and other issues related to the defective registration booth and the defective way in which the registration booth was set up. This includes addressing admitted facts, baseless defenses, unmerited claims of pre-existing injury, an alleged absence of prior similar accidents, new undisclosed expert testimony, speculative testimony, a defense expert's lack of knowledge of wind conditions in Hawaii, the creation of the registration booth, etc., etc. This case should be as unburdensome and inexpensive as possible. The additional motions in limine will help focus on issues.

Virtually all of these reasons were, or should have been, addressed in the 6 motions for summary judgment the Court recently ruled on. Moreover, the Court has reviewed the 17 motions in limine filed on February 17, 2009. In view of the foregoing, it appears appropriate to the Court that Plaintiffs should not need to file more than 15 motions in limine.

4. If the parties agree a general verdict suffices, the same shall be submitted by **July 21, 2009**. Otherwise, a joint special verdict form shall be submitted by **July 21, 2009**. An adequate special verdict form requires extensive analysis and review. In the event the parties cannot agree on a joint special verdict form, each party shall file its proposed form by **July 23, 2009**.

5. Pursuant to Local Rule 51.1, parties shall exchange proposed jury instructions by **July 21, 2009**. Joint jury instructions upon which both parties have agreed shall be filed by **July 23, 2009**. The Court expects a good faith effort by both parties to agree upon all instructions. To the extent that the parties cannot agree on joint jury instructions, each party shall submit supplemental jury instructions by **July 24, 2009**. The number of instructions should be limited to those absolutely necessary. The Court believes that no more than thirty (30) instructions are appropriate, in addition to the Court's standard instructions.
6. Objections to non-agreed upon jury instructions proposed by the other party shall be filed by **July 28, 2009**. Parties shall otherwise comply with Local Rule 51.1.
7. By **July 14, 2009**, the parties shall premark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial. The parties shall file objections to exhibits by **July 21, 2009**.
8. By **July 21, 2009**, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments

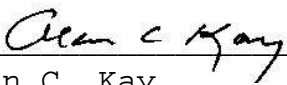
and authorities.

9. The parties shall submit voir dire questions and a concise statement of the case by **July 23, 2009**.
10. The Court notes that the parties' witness and expert witness lists were filed on February 17, 2009.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, June 26, 2009.



  
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Alan C. Kay  
Sr. United States District Judge

Mullaney v. Hilton Hotels Corporation, Civ. No. 07-00313 ACK-LEK,  
Order Setting Pretrial Conference and Deadlines.