

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Ellerbrock Family Trust, LLC and  
Belmont Strategic Income Fund, LP

Civil No. 08-5370 JRT/FLN

Plaintiffs,

v.

PRETRIAL SCHEDULE

McGladrey & Pullen, LLP,

Defendant.

---

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery/Non-Dispositive Motions:
  - a. All motions which seek to amend the pleadings or add parties must be served by May 15, 2009.
  - b. All discovery shall be commenced in time to be completed by December 1, 2009.
  - c. No more than 50 interrogatories, including all discrete subparts, shall be served by any party.
  - d. No more than 75 Requests for Admission shall be served by any party.
  - e. No more than 150 document requests shall be served by any party.
  - f. No more than 40 deposition days, as described in the Rule 26(f) report, shall be taken by any party.

- g. Class certification motion shall be filed and served by September 1, 2009.
- h. All other nondispositive motions and supporting documents, including those which relate to discovery, shall be served by March 1, 2010. Nondispositive motions may be scheduled for hearing by calling Cathy Orlando, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1, 37.1 and 37.2.

2. Expert Disclosure and Discovery:

- a. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:
  - 1) By Plaintiff(s) on or before September 1, 2009.
  - 2) By Defendant(s) on or before October 1, 2009.
- b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:
  - 1) By Plaintiff(s) on or before December 18, 2009.
  - 2) By Defendant(s) on or before January 22, 2010.
- c. Each party may depose no more than 3-4 expert witnesses on or before March 1, 2010.
- d. Any expert testimony which has not been fully disclosed in accordance with this schedule shall be excluded from evidence at trial.

3. Dispositive Motions:

- a. All dispositive motions shall be served and filed May 1, 2010. Responses to any dispositive motion shall be filed and served 28 days after the service of the motion, and the reply shall be filed and served 8 days after service of the response.
- b. When the reply is filed, counsel for the moving party shall call Calendar Clerk Holly Morley at

612-664-5083 to schedule a hearing on the motion.  
The moving party will file the notice of hearing on  
the motion at that time.

- c. When making dispositive motions, except as  
expressly set forth herein, the parties shall fully  
comply with Local Rule 7.1.

4. Trial

- a. This case shall be ready for trial no later than July 1, 2010, at which time  
it will be placed on the court's jury trial calendar.
- b. Trial is estimated to last 2-3 weeks.

DATED: January 17, 2009.

*s/ Franklin L. Noel*  
FRANKLIN L. NOEL  
United States Magistrate Judge