

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Webb Candy, Inc., et al.,

Civil No. 09cv02056 PJS/JJK

Plaintiff,

v.

PRETRIAL SCHEDULING ORDER

Walmart Stores, Inc.,

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 these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

DISCOVERY SCHEDULE/DEADLINES

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **January 15, 2010**.
2. Fact discovery shall be commenced in time to be completed on or before July 1, 2010.

DISCOVERY LIMITATIONS

1. No more than a total of **25 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **50 document requests** and no more than **50 requests for admissions** shall be served by each side.
2. No more than **7** depositions, excluding expert witness depositions, shall be taken by each side.

EXPERTS

1. Each side may call up to **2** expert witnesses. Accordingly, each side may take one deposition per expert.
2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
 - a. Identities by Plaintiff on or before **July 1, 2010**.
Reports by Plaintiff on or before **July 1, 2010**.
 - b. Identities by Defendant on or before **August 1, 2010**.
Reports by Defendant on or before **September 1, 2010**.
 - c. Identify rebuttal expert on or before **October 1, 2010** and report on or before **October 15, 2010**.
3. Expert discovery, including depositions, shall be completed by **November 15, 2010**.

NON-DISPOSITIVE MOTIONS

All non-dispositive motions shall comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, **and be in the form prescribed by Local Rule 37.2**. The “Meet and Confer” requirement should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Jackie Phipps, Judicial Assistant to Magistrate Judge Keyes, at 651/848-1180, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion.

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **January 15, 2010**.
2. Non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **July 15, 2010**.
3. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **November 30, 2010**.
4. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

DISPOSITIVE MOTIONS

All dispositive motions must be served, filed **and heard** by **November 30, 2010**. Counsel for the moving party shall call Calendar Clerk Sherry Fast, 651-848-1906, to schedule the hearing. Parties are reminded that the scheduling of a dispositive motion requires considerable advance notice (typically three to four months). Parties should attempt to schedule all dispositive motions for the same hearing and should strive to avoid duplication in their briefing.

All dispositive motions shall be scheduled, served and filed in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response, or reply brief is filed on ECF, two paper courtesy copies (three-hole punched and unstapled, and, if warranted, appropriately tabbed) of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk, Sherry Fast, Calendar Clerk for

the Honorable Patrick J. Schiltz, contemporaneously with the documents being posted on ECF.

TRIAL

This case shall be ready for a **jury** trial on **April 1, 2011**. The anticipated length of trial is **3** days.

Dated: November 4, 2009

s/ Jeffrey J. Keyes _____

JEFFREY J. KEYES

United States Magistrate Judge