

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LORY FABIAN, )  
Plaintiff, )  
v. ) No. 4:12-CV-1112-JAR  
THE ST. LOUIS RAMS PARTNERSHIP, )  
et al., )  
Defendants. )

## **MEMORANDUM AND ORDER**

Following a conference with counsel on July 19, 2013,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to Endorse Expert Witness Out of Time [25] is **GRANTED** and Defendants' Motion to Strike Untimely Endorsement of Expert Witness and For Sanctions [24] is **DENIED** as moot.

**IT IS FURTHER ORDERED** that the deadline for completing discovery is extended to **September 15, 2013**, and the deadline for filing dispositive motions is extended to **September 30, 2013**.

**IT IS FURTHER ORDERED** that this matter is set for a JURY trial on **February 24, 2014 at 9:00 a.m.** This is a **2** week docket, and the parties are expected to be ready and available for trial on the first day of the docket and thereafter on twenty-four hours notice.

**In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty (20) days prior to the date set for trial:**

**1. Stipulation:** Meet and jointly prepare and file with the Clerk a JOINT Stipulation

of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

**2. Witnesses:**

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

**3. Exhibits:**

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed.R.Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance

with this Order. Any objections not made in writing by the time of the final pretrial conference may be considered waived.

**4. Depositions, Interrogatory Answers, and Request for Admissions:**

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. Before the time of the final pretrial conference, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

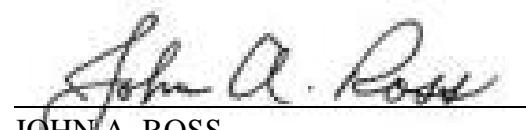
(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

**5. Motions in Limine:** Parties shall file all motions in limine to exclude evidence at least ten (10) days before the pretrial conference.

**6. Final Pretrial Conference:** A final pretrial conference is set for **February 20, 2014 at 1:30 p.m.** in the courtroom of the undersigned. Before the final pretrial conference, each party shall submit to the Court and to opposing counsel his/her/its written request for instructions and forms of verdicts reserving the right to submit requests for additional or modified instructions in light of the opposing party's requests for instructions. (Each request must be supported by at

least  
one pertinent citation.)

Dated this 19th day of July, 2013.

  
John A. Ross  
JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE