UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Eugenia Smith

v. Civil No. 09-cv-00369-JL

Countrywide Home Loans, Inc., et al.

ORDER AFTER PRELIMINARY PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **January 27, 2010.**

The Discovery Plan (document no. 9) is approved as submitted, with the following changes:

- DiBennedetto disclosure deadline: **July 15, 2010**

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence: defendant's third (collateral estoppel/res judicata) and fourth (statute of limitations/statutory preconditions).

The parties may jointly request a bench trial, but as of now, maintain their jury trial demands.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

Joseph N. Laplante
United States District Judge

Dated: January 27, 2010

cc: Heather M. Burns, Esq.
Lauren S. Irwin, Esq.
William B. Pribis, Esq.