

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

United States of America

v.

Civil No. 11-cv-283-PB

MDF Properties, LLC, et al.

PRETRIAL ORDER

On today's date, a preliminary pretrial conference was held telephonically in this case. Attorney Nathan L. Strup appeared for plaintiff, Attorneys Steven J. Dutton and Scott H. Harris appeared for defendant MDF Properties, LLC, ("MDF"), and Attorney Martha Van Oot appeared for defendant Southern New Hampshire Bank and Trust Company, now known as Bank of New England ("BNE").

Before the court are two proposed discovery plans: one is proposed jointly by plaintiff and BNE (doc. no. 30) and the other is proposed by MDF (doc. no. 31). The plans are identical except that MDF requests the court to order the parties to attend mediation and schedule it for a date certain, while plaintiff and BNE request that the court set a date by which the parties are required to notify the court of the case's suitability for mediation. In short, plaintiff believes it

needs discovery of key witnesses in the case before it can commit to mediation. Having heard the arguments of counsel on this limited issue, the court concludes that expedited discovery followed by a required status report is appropriate. Accordingly, the court approves document no. 30, with the following modifications:

1. Trial is scheduled for the two-week period beginning December 4, 2012.

2. Discovery shall be conducted in two phases, with the second phase closing in accordance with the date selected by the parties: November 6, 2012.

3. Phase 1 of discovery shall occur on an expedited basis and shall include at minimum the depositions of the three to four critical witnesses in this case, as described by Attorney Strup during this telephone conference. To that end, the parties are ordered to confer within the next thirty days to arrange for the scheduling of those depositions and any other discovery that they agree is critical to the case and will assist the parties in preparing for -- or determining whether -- the case is suitable for mediation. Phase 1 shall conclude on or before December 29, 2011.

4. On or before January 9, 2012, each party shall file with the court a status report addressing the case's suitability for mediation. The court will make a decision about whether to order mediation at this time.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: August 29, 2011

cc: Steven J. Dutton, Esq.
Scott H. Harris, Esq.
Nathan L. Strup, Esq.
Martha Van Oot, Esq.