

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREGary Miliefsky

v.

Civil No. 12-cv-00206-JL

Diversified Consultants, Inc.**ORDER AFTER PRELIMINARY  
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **September 4, 2012**.

The Discovery Plan (document no. 6) is approved as submitted, with the following changes:

- Close of expert discovery - **N/A (no experts will be called)**
  - Plaintiff's expert disclosure - **N/A**
  - Defendant's expert disclosure - **N/A**
- Summary judgment deadline - **120 days prior to final pretrial conference**
- Jury trial - **May, 2013**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: Second, Third, Fourth, Fifth, and Seventh (estoppel, waiver, unclean hands,

plaintiff's breach of underlying contract, and "affect" for defendant's damages).

**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.**

  
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Joseph N. Laplante  
United States District Judge

Dated: September 6, 2012

cc: Joseph L. Gentilcore, Esq.  
Angela K. Troccoli, Esq.  
Randall L. Pratt, Esq.