

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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REGINALD L. CANNON,

Plaintiff,

v.

BRADBURY BURIAL VAULT CO.,  
INC.,

Defendant.

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Civil No. 09-4612 (JBS/AMD)

**AMENDED SCHEDULING ORDER**

This Scheduling Order confirms the directives given to counsel during the conference on August 12, 2010; and the Court noting the following appearances: Michael H. Berg, Esquire, appearing on behalf of the plaintiff; and Scott H. Marcus, Esquire, appearing on behalf of the defendant; and for good cause shown:

IT IS this **12th** day of **August 2010**, hereby **ORDERED**:

1. Pretrial factual discovery is hereby extended to **October 15, 2010**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

2. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

3. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendant not later than **November 15, 2010**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of defendant shall be served upon counsel for plaintiff not later than **December 15, 2010**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **January 18, 2011**.

For purposes of this Scheduling Order, treating physicians, if any, shall not be considered expert witnesses and

shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. EVID. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

4. The in-person settlement conference on October 15, 2010 is **RESCHEDULED** to **November 19, 2010 at 10:00 A.M.**. Clients with settlement authority shall appear in person. Counsel shall exchange and submit settlement memoranda to the Court at least one week prior to the conference.

5. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **January 28, 2011**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

6. The Final Pretrial Conference on January 27, 2011 is **adjourned**, and will be reset at a later date.

7. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Ann Marie Donio  
ANN MARIE DONIO  
United States Magistrate Judge

cc: Hon. Jerome B. Simandle