IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

WAYNE KENNETH AUGÉ, II, M.D.,
Individually and as Trustee on Behalf of Covalent Global Trust,

Plaintiff,

vs. CV No. 14-1089 KG/SMV

STRYKER CORPORATION, and
HOWMEDICA OSTEONICS CORP.,

Defendants.

ORDER SETTING PRETRIAL DEADLINES

This matter is before the Court after hearing from counsel at the telephonic status conference. (Doc. 404). In accord with the parties' representations at the status conference, a Pretrial Conference is scheduled to proceed on Monday, **December 13, 2021**, at 9:00 a.m., and Tuesday, **December 14, 2021**. The Court will advise the parties in advance of the conference whether conditions permit in-person proceedings.

Prior to the pretrial conference, the parties are directed to submit an amended joint statement of the case, revised exhibit lists, proposed jury instructions, and a supplemental joint pretrial order. The parties' updated joint pretrial order and revised joint statement of the case are due no later than **November 15, 2021**. The parties are instructed that the joint statement of the case should not exceed two pages, omitting the caption, and should delineate only the parties' claims and defenses, not to include a rebuttal.

The parties' updated exhibit lists, with outstanding objections identified, and revised proposed jury instructions, are due no later than **November 24, 2021**. All revised submissions

should comply with the Court's recent pretrial Orders, including its directive that New Jersey law applies and that each of Plaintiff's four claims shall proceed to trial. *See* (Docs. 406, 400). Further, the parties' exhibit lists shall only include evidentiary proffers that comply with the Court's recent guidance refining the scope of permissible evidence. *See* (Docs. 401, 397, 398, 399). In all other respects, the parties are directed to follow the Court's published guidance on pretrial submissions.

IT IS ORDERED.

UNITED STATES DISTRICT JUDGE