

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8/7/09</u>
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

TRAVELERS INDEMNITY COMPANY OF
 CONNECTICUT a/s/o Vanbro Corporation and other
 interested insureds under the policy of insurance,

Plaintiffs,

-against-

LIEBHERR CRANES, INC. and
 LIEBHERR NENZING CRANE CO.

Defendants.

08-CV-06872-LAP

CASE MANAGEMENT
 PLAN

I. Description of the case

- a. Identify the attorneys of record for each party, including lead trial attorney.

For Plaintiff TRAVELERS INDEMNITY COMPANY OF
 CONNECTICUT a/s/o Vanbro Corporation and other interested
 insureds under the policy of insurance.

Robert C. Sheps – Lead Trial Attorney
Sheps Law Group, P.C.
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Melville, NY 11747
631 249-5600
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For Defendants LIEBHERR CRANES, INC. and
 LIEBHERR NENZING CRANE CO.:

Ronald Joseph, Esq.
Landman Corsi Ballaine & Ford, P.C.
120 Broadway, 27th Floor
New York, New York 10271
(212) 238-4800
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b. State the basis for federal jurisdiction.

Diversity of citizenship.

c. Briefly describe the claims asserted in the complaint and any counterclaims.

Plaintiff has alleged property damage as a result of a fire to a crane based upon claims of Negligence, Strict Products Liability and Breach of Warranty against the defendant crane companies Liebherr Cranes and Liebherr Nenzing Crane

d. Describe the relief sought.

Plaintiff seeks compensatory damages based upon alleged loss and/or destruction of the subject crane in an amount of \$1,000,284.87

II. Proposed Case Management Plan

a. Identify all pending motions: None at this time.

b. Proposed cutoff date for joinder of additional parties: November 1, 2009.

c. Proposed cutoff date for amendments to the pleadings: November 1, 2009.

d. Proposed schedule for completion of discovery, including:

i. Rule 26(a)(1) disclosures to be completed: Already Completed.

ii. Discovery Demands and Interrogatories to be served: Already Completed.

iii. Responses to Demands and Interrogatories: Already Completed

iv. Fact Discovery Completion Date: January 31, 2010

v. Expert discovery completion date, including dates for delivery of expert reports:

By Plaintiff: March 8, 2010

By Defendants: April 14, 2010

e. Proposed date for filing dispositive motions:

requesting pre-motion conference for
April 28, 2010

- e. Proposed date for filing a final pretrial order: May 31, 2010
- f. Proposed trial schedule, indicating:
 - i. Whether a jury is requested: Yes
 - ii. The estimated length of the trial: 3-4 days
 - iii. Date when case will be ready for trial: _____

III. ~~The parties consent to proceed before a Magistrate Judge.~~

IV. Status of Settlement Discussions

- a. To date, no settlement discussions have taken place.
- b. Describe the status of settlement discussion: n/a
- c. Whether the parties request a settlement conference: Yes

than Counsel shall report to the Court by letter no later than January 31, 2010 as to the status of settlement discussions

NEXT CASE MANAGEMENT CONFERENCE

Dated: August 5, 2009
Melville, NY

SO ORDERED

Loretta A. Preska
 HON. LORETTA A. PRESKA
 United States District Judge,

[Signature]
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