

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ACCELECARE WOUND CENTERS, INC.,

Plaintiff,

-v-

THE BANK OF NEW YORK, AMICUS HYPERBARIC
GROUP, LLC, AMICUS MEDICAL GROUP, LLC,
AMICUS WEST TEXAS HYPERBARIC L.P.,
AMICUS TEXAS HYPERBARIC, LP, AMICUS
ARIZONA HYPERBARIS, L.P., AMICUS SOUTH
TEXAS HYPERBARIC, LP, AMICUS VALLEY
HYPERBARIC, LP, and JOHN R. HEDRICK,
Defendants.

-----X
THIS DOCUMENT RELATES TO:

All Actions

-----X
DENISE COTE, District Judge:

As set forth at the pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on December 12, 2008, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. No additional parties may be joined or pleadings amended after **May 15, 2009**.
2. The parties are instructed to contact the chambers of Magistrate Judge Maas prior to **May 15, 2009** in order to pursue settlement discussions under his supervision.
3. All fact discovery must be completed by **November 13, 2009**.
4. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R. Civ. P., by the party bearing the burden on an issue must

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>5/4/09</u>

MASTER FILE:
08 Civ. 8351 (DLC)

PRETRIAL SCHEDULING
ORDER

be served by **December 4, 2009**. Identification of rebuttal experts and disclosure of their expert testimony must occur by **January 8, 2010**.

5. All expert discovery must be completed by **January 29, 2010**.
6. The Joint Pretrial Order must be filed by **February 19, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

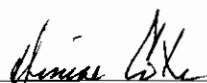
All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

SO ORDERED:

Dated: New York, New York
May 4, 2009



DEMISE COTE
United States District Judge