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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NASSAU ASPHALT SUPPLY CORP. :

Plaintiff, :

- against - :

CITY UNDERWRITING AGENCY, :

INC.

Defendant(s). :

-----X

SHIRA A. SCHEINDLIN, U.S.D.J.:

SCHEDULING ORDER

1:10 Civ. 2234 (SAS)

Conference Date:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

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- (1) the date of the conference and the appearances for the parties;
5-18-10 HOWARD S. KRONBERG + DANIELLE M. PRATALEONI (CITY UNDERWRITING)
- (2) a concise statement of the issues as they then appear;
5-18-10 JOHN F. KARPOVITS + PETER WENNER (NASSAU ASPHALT)
- (3) a schedule including: *Broker malpractice/Breach of contract/Negligence*
Alleged Failure to Secure CHTWCA INSURANCE
- (a) the names of persons to be deposed and a schedule of planned depositions;
ALL PARTIES ON OR BEFORE 9-18-10
- (b) a schedule for the production of documents;
ALL DEMANDS TO BE SERVED BY ~~8-1-10~~ 6/14
ALL RESPONSES TO BE SERVED BY ~~9-10~~ 7/14
- (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
(i) BY OR BEFORE 9-25-10 (ii) BY OR BEFORE 10-15-10
- (d) time when discovery is to be completed;
11-1-10

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

12-1-10

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

12-15-10

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

12-20-10

(set 29 Oct 9³⁰)

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

? Cost of insurance not purchased

(7) anticipated length of trial and whether to court or jury;

2-day trial

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

[Signature]
HOWARD S. KROWBEE
DANIELLE M. PANTALEO
SO ORDERED: KEIDEL WELDON + COUNSELLOR
[Signature]
SHIRA A. SCHEINDLIN
U.S.D.J.

5/18/10

[Signature]
JOAN F. KAREPOUSIS
FREEHILL HOEN 9
80 PINE ST. MANHATTAN
NY NY 10005