

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ETHAN MURPHY, *et al.*,

Plaintiffs,

-v-

PHILIPPE LAJAUNIE, *et al.*,

Defendants.

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No. 13-cv-6503 (RJS)
OPINION AND ORDER

RICHARD J. SULLIVAN, District Judge:

IT IS HEREBY ORDERED THAT a jury trial shall commence on June 6, 2016 at 10:00 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. IT IS FURTHER ORDERED THAT, by May 2, 2016, the parties shall jointly submit a Proposed Pretrial Order that includes, in separately numbered paragraphs, the information required by Federal Rule of Civil Procedure 26(a)(3), as well as the following information:

- i. The full caption of the action;
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. A brief statement by Plaintiff as to the basis of subject-matter jurisdiction and a brief statement by Defendants as to the presence or absence of subject-matter jurisdiction, each of which shall include citations to all authority relied on and relevant facts as to citizenship and jurisdictional amount;
- iv. A brief summary by each party of the claims and defenses that the party has asserted that remain to be tried – without recital of evidentiary matters but with citations to all

- statutes on which the party has relied – and of the claims and defenses that the party has previously asserted that are not to be tried;
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed;
 - vi. A statement as to whether all parties have consented to a trial of the case by a magistrate judge (without identifying which party or parties have or have not so consented);
 - vii. Any stipulations of fact or law that have been agreed upon by the parties;
 - viii. A statement by each party as to the witnesses whose testimony is to be offered in the party's case-in-chief;
 - ix. A designation by each party of deposition testimony to be offered in the party's case-in-chief, with any cross-designations and objections by any other party;
 - x. A list by each party of exhibits to be offered in the party's case-in-chief, with an indication as to whether any party objects to any such exhibits and a brief statement of the nature of the objection (*e.g.*, "relevance," "authenticity," "hearsay"); and
 - xi. A statement of whether the parties consent to less than a unanimous verdict.

IT IS FURTHER ORDERED THAT the parties shall jointly file with the Proposed Pretrial Order the following submissions:

- i. Proposed *voir dire* questions – a copy of which shall be emailed to chambers in a Word version – which shall include the text of any requested question and should consist of a single document and note any areas of disagreement between the parties;

- ii. A proposed verdict form – a copy of which shall be emailed to chambers in a Word version – and which should consist of a single document and note any areas of disagreement between the parties;
- iii. Proposed jury instructions – a copy of which shall be emailed to chambers in a Word version – and which shall include the text of any requested instruction and a citation, if relevant, to the authority from which such instruction derives, and should consist of a single document and note any areas of disagreement between the parties;
- iv. Motions addressing any evidentiary or other issues that should be resolved *in limine*; and
- v. If a party believes that it would be useful, a pretrial memorandum, not to exceed 10 pages.

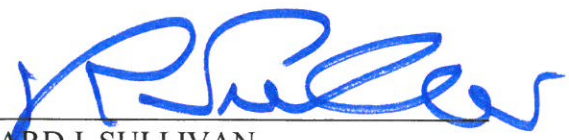
IT IS FURTHER ORDERED THAT, within one week of the filing of the Proposed Pretrial Order, any party may file the following documents:

- i. Oppositions to any motions *in limine*; and
- ii. Oppositions to any legal arguments set forth in a pretrial memorandum.

Finally, IT IS FURTHER ORDERED THAT the parties shall appear for a final pretrial conference on Tuesday, May 31, 2016 at 3:00 p.m. to discuss the trial, which, as ordered above, will commence on the morning of June 6, 2016.

SO ORDERED.

Dated: March 21, 2016
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE