

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/7/2023
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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AU NEW HAVEN, LLC, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
YKK CORPORATION, <i>et al.</i> ,	:	1:15-cv-3411-GHW
	:	
Defendants.	:	<u>ORDER</u>
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GREGORY H. WOODS, United States District Judge:

As discussed at the July 7, 2023 conference, the Court hereby issues the following orders and sets the following deadlines:

- *Resubmission of Materials.* The parties are directed to resubmit their proposed jury charge, proposed verdict forms, witness lists, exhibit lists, and deposition designation charts by **July 14, 2023 at 10:00 a.m.**
  - *Jury Charge and Verdict Forms.* The parties are directed to resubmit these items amended as necessary to account for the *Abitron* decision.
  - *Witness Lists.* Defendants are directed to add an estimate of time they expect to call each witness for in their case-in-chief, should that witness be called. Both parties are directed to add estimates of time that they expect to cross-examine each witness of their adversary, should that witness be called by their adversary. Each party’s witness list may also be modified, as necessary, in response to the *Abitron* decision.
  - *Exhibit and Deposition Designation Chart Updates.* In their modified exhibit and deposition designation charts, the parties are directed to include an additional column. In that column, they should indicate whether the given exhibit (if exhibit list) or deposition designation (if deposition designation list) was (a) admitted or provisionally admitted at the HEO trial, (b) excluded or provisionally excluded at the HEO trial, or (c) not considered at the HEO trial. The parties may also update these charts, relevant objections, and relevant counter-designations as necessary in response to the *Abitron* decision.
  - *Indicating Modifications.* The parties are further directed to clearly indicate to the Court what has changed on each resubmitted document. The Court leaves to the parties the most effective mechanism for doing so.

Additionally, as indicated at the conference, Defendants’ motion *in limine* number twelve,

Dkt. No. 642, is denied as moot. The parties will be given the opportunity to rebrief any issues that were the subject of that motion that will not be captured in the already scheduled briefing on the *Abitron* decision. The schedule for that briefing is as follows:


- Defendants' motion: **July 12, 2023**
- Plaintiffs' opposition: **July 19, 2023**
- Defendants' reply: **July 24, 2023**

Further, for the reasons provided at the conference, Plaintiffs' motion *in limine* at Dkt. No. 637 is GRANTED, Plaintiffs' motion *in limine* at Dkt. No. 640 is DENIED, and Defendants' motion *in limine* at Dkt. No. 646 is DENIED. All rulings are subject to the additional comments made at the July 7, 2023 conference.

Finally, the Court hereby schedules a conference for **July 25, 2023, at 9:00 a.m.** to take up remaining pretrial issues. The conference will be held by telephone. The parties are directed to the Court's Individual Rules of Practice in Civil Cases, which are available on the Court's website. Rule 2 of the Court's Individual Rules contains the dial-in number for the conference and other relevant instructions. The parties are specifically directed to comply with Rule 2(B) of the Court's Individual Rules.

SO ORDERED.

Dated: July 7, 2023  
New York, New York

  
GREGORY N. WOODS  
United States District Judge