

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-50-FDW**

CHRISTOPHER LEE MICHELSON,)
)
 Plaintiff,)
)
 vs.)
)
 VAN DUNCAN, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on a Motion to Continue, (Doc. No. 182), filed by volunteer counsel for the incarcerated Plaintiff. Counsel asks the Court to continue the docket call in this matter to give counsel time to review discovery that he has just received and to consider his ethical obligations in this case. Counsel’s Motion will be granted in part and denied in part.

As stated in the case management order, this case is set for jury trial to commence during the March 2020 term, and this case will remain on the docket for trial. However, the pretrial conference scheduled for February 5, 2020 will be cancelled and the pretrial deadlines will be extended.

The Court will **not** hold a pre-trial conference for this case, but the parties must be present for the docket call to take place at **9:00 am on March 3, 2020** in Courtroom 1-1 of the Charles R. Jonas Federal Building, 401 W. Trade Street, Charlotte, NC. For *voir dire*, each party will get ten minutes to question the first set of jurors. For each subsequent round of jury selection, parties will get one additional minute for each empty seat. Parties will have three peremptory challenges per side. Jurors must be challenged at the first opportunity. The parties must be prepared to commence trial after jury selection.

The parties are ordered to submit their **jointly-prepared** pretrial submissions by February 21, 2020. These documents should be submitted to Chambers electronically utilizing the CyberClerk feature on CM/ECF. The Case Management Order addresses the requirements for these submissions. Any motions in limine must be filed by February 21, 2020 with responses due on February 26, 2020. The Court will address any outstanding motions or pretrial issues on the first day of trial before the jury arrives. Witnesses for trial should be subpoenaed by February 21, 2020. The parties must give CD-ROMs or USBs containing pertinent files in JPEG or PDF format for documents and images to the Clerk of Court. The files should be named according to the corresponding exhibit number assigned to the exhibit in the proposed pretrial order.

The Court anticipates that this trial will take one day. The Court will impose a chess clock consistent with this estimate. Parties should prepare to have a 6 hour chess clock, with each side having 3 hours. Time will run during opening, closing, direct examination, and cross examination, but will not run during jury selection, objections, or sidebars. For closing argument, parties are limited to 15 minutes. It will be the responsibility of Parties to budget their chess clock time to ensure time for closing arguments.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Continue, (Doc. No. 182), is **GRANTED** in part and **DENIED** in part as stated in this Order.

Signed: February 3, 2020



Frank D. Whitney
Chief United States District Judge

