

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF ARKANSAS  
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE  
600 W. CAPITOL, ROOM A403  
LITTLE ROCK, ARKANSAS 72201-3325  
(501) 604-5140  
Facsimile (501) 604-5149

**August 16, 2019**

Mr. Anthony J. Novak  
Larson King LP  
30 E. 7th Street, Suite 2800  
St Paul, MN 55101

Sean T. Foss  
O'keeffe, O'brien, Lyson & Foss Ltd  
720 Main Ave  
Po Box 2105  
Fargo, ND 58107-2105

Mr. Bryan P. Couch  
Mr. Patrick During  
Connell Foley LLP  
1085 Raymond Boulevard  
One Newark Center  
Ste 19th Floor  
Newark, NJ 07102

Re: *Howard Johnson International, Inc. v. NHS-Grand Forks, LLC et al*,  
3:17-cv-00046-BRW-ARS

Dear Counsel:

I have reviewed your submissions and below are the presumptive time limits for the direct examinations of your witnesses:

**Plaintiff's Witnesses**

- |                    |            |
|--------------------|------------|
| 1. Robert Spence   | 60 minutes |
| 2. Michael Piccola | 60 minutes |

**Defendant's Witnesses**

- |                     |            |
|---------------------|------------|
| 1. Bharat Patel     | 60 minutes |
| 2. Robert Thibedeau | 45 minutes |
| 3. Miranda Muscha   | 45 minutes |
| 4. John Isaakson    | 45 minutes |

The presumptive time limit for cross-examination is 20 minutes.

A rebuttal witness must be a true rebuttal witness, not someone who could have testified on direct, *i.e.*, a witness whose testimony cannot be reasonably anticipated until Defendant's evidence is presented.

Counsel for the parties are directed to "meet and confer" to determine if there is going to be a foundation objection. If so, I should be notified forthwith, with specificity.

At the end of your presumptive time limit on direct or cross-examination, that is it. I'll expect you to stop if you are in the middle of the word "if." You should have your proposed questions printed out so that, at the end of your presumptive time limit, you may approach the bench and show me the questions you didn't get to ask that you think you should get to ask. I will rule as to whether you will be allowed to ask them.

Having your proposed questions printed is crucially important so that you can show me how your examination has been bob-tailed. Also, it will probably help you pare down your questions, which is better advocacy. I realize I'm not teaching a trial ad course, but I expect rifle-shot presentations, not prolonged, unnecessary examinations of witnesses.

Cordially,

/s/ Billy Roy Wilson