

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

391 Franklin Turnpike Limited Liability)
Company, a/k/a 391 Franklin Turnpike,)
LLC,)
)
Plaintiff,)
)
vs.)
)
Greggory G. Tank,)
)
Defendant.)

**ORDER RE EXCLUSION OF TRIAL
WITNESSES AND FOR SUBMISSION
OF REVISED EXHIBIT LISTS**

Case No. 4:12-cv-162

On October 21, 2014, the court held a telephonic final pretrial conference in the above-captioned case. Michael D. Schoepf appeared on plaintiff’s behalf. Joseph M. Barnett and Terrance W. Moore appeared on defendant’s behalf.

In the Pretrial Memorandum, the parties indicated that they did not agree to waive exclusion of witnesses from the courtroom pending completion of their testimony. However, during the pretrial conference, the parties agreed that it would not be necessary to exclude witnesses. Accordingly, it is **ORDERED** that witnesses will not be excluded from the courtroom during trial.

It is further **ORDERED** that the parties shall confer about the exhibit lists filed prior to the final pretrial conference and that by no later than November 7, 2014, each party shall submit to ndd_J-Hovland@ndd.uscourts.gov a revised exhibit list that (1) indicates whether there will be an objection to each exhibit; and (2) specifies whether there will be a foundation objection to each exhibit.

Dated this 21st day of October, 2014.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court