

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES FIRE INSURANCE)	
COMPANY a/s/o MAFCOTE)	
INTERNATIONAL, INC.,)	Civil Action No. 10-1085
)	
Plaintiff,)	United States Magistrate Judge
)	Cynthia Reed Eddy
v.)	
)	
OMNOVA SOLUTIONS, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

By Pretrial Order dated December 12, 2011 (ECF No. 23), the Honorable Judge Donetta W. Ambrose directed the parties to, inter alia, file Joint Proposed Jury Instructions by March 12, 2012. The parties did not comply with the Court’s order to “file a unified (meaning one) combined set of proposed instructions which includes both agreed upon instructions and proposed instructions to which the parties have not agreed. . . . The court will not accept separate proposed jury instructions from the parties,” *id.*, and, instead, each filed their own proposed jury instructions. (ECF Nos. 42, 43). Although the parties failed to comply with the Court’s unambiguous Pretrial Order, Judge Ambrose prepared and completed Final Jury Instructions based upon the parties’ separate submissions, which will be distributed to them at the pretrial conference of October 25, 2012.

Without explanation and without seeking leave of court, on October 22, 2012, plaintiff filed another set of Plaintiff’s Proposed Jury Instructions (ECF No. 74). Because this set of Plaintiff’s Proposed Jury Instructions is out of compliance with the Court’s Pretrial Order and is

over eight months untimely, Plaintiff's Proposed Jury Instructions (ECF No. 74) are HEREBY STRICKEN, and will not be considered.

s/ Cynthia Reed Eddy
The Honorable Cynthia Reed Eddy
United States Magistrate Judge

cc: all ECF registered counsel