UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

INDIAN HARBOR INSURANCE COMPANY

v.   CA 08-146 ML

ASSURANCE COMPANY OF AMERICA

ORDER

The scheduling order entered on September 10, 2008 (Docket #12) is hereby
amended as follows:

1.   Paragraphs 6 and 7 are vacated.

2.   Counsel shall comply with the remainder of the provisions of the
September 10, 2008 scheduling order and paragraphs 3-6 of this order.

3.   Counsel shall file **electronically**, 30 days after a decision on any
dispositive motion, or, if no dispositive motions are filed by **May 1, 2009**, a
memorandum which shall contain the following information:

(a)   Plaintiff will set forth what is expected to be proven in support of the
claim(s).

(b)   Defendant will set forth what is expected to be proven in defense.

(c)   A memorandum of supporting law with citations of authorities. This
is to include all the law applicable to the case with emphasis on
special legal issues. All pertinent citations will be fully briefed.

(d)   A statement as to probable length of trial.

4.   At least **10 days** before jury selection, or, in the case of a matter to be
tried without a jury, **10 days** before trial is to begin, counsel shall submit to the court in
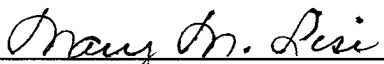
conventional form (paper) the following:

> (a) A list of all witnesses expected to testify with a brief summary of each witness's testimony and a statement as to whether that witness will testify as an expert.
>
> (b) A list of all exhibits intended to be offered at the trial with statements of the purpose for which the exhibit is offered. All exhibits will be pre-marked by the plaintiff in numerical order and by the defendant in alphabetical order.

5. At least **10 days** before jury selection, counsel shall file **electronically** full and complete proposed jury instructions.

6. Failure to strictly comply with this order will result in appropriate sanction which may include dismissal, default, or exclusion of evidence.

SO ORDERED:

Mary M. List
Mary M. List
Chief United States District Judge
February   9   , 2009