

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE MARK CALVERT, AS
BANKRUPTCY TRUSTEE FOR THE
MERIDIAN INVESTOR TRUST

CONSOLIDATED ACTION

LEAD CASE NO. C12-1585RAJ

ORDER

(This Order pertains solely to *Calvert v. Kooshian*, No. 12-1594RAJ, as well as *Calvert v. Lybeck*, Adv. No. 12-1524, whose reference has not yet been withdrawn)

This matter comes before the court on notice from the United States Bankruptcy Court for the Western District of Washington that the defendants in two adversary proceedings, *Calvert v. Kooshian*, Adv. No. 12-1472, and *Calvert v. Lybeck*, Adv. No. 12-1524 have demanded a jury trial. The *Kooshian* case is one of the member cases of this consolidated action, and the court withdrew the reference of that matter in a March 5, 2013 order, while referring it to the Bankruptcy Court for all pretrial proceedings. Dkt. # 19. No one in the *Lybeck* matter has asked that the court withdraw the reference, but there can be no dispute that because the defendant has not consented to a jury trial in the Bankruptcy Court, the trial must occur in the District Court. The court accordingly withdraws the reference of the *Lybeck* matter on its own motion.

The court directs the clerk to create a new civil action assigned to this court to correspond to the *Lybeck* matter, and to make the new action a member case in this consolidated action. Counsel and pro se parties are responsible for adhering to this court's prior orders in this consolidated action.

ORDER – 1

1 The court also directs the clerk to place both actions on the court's trial calendar,
2 with each case set for a jury trial on September 16, 2014. Both cases shall remain
3 referred to the Bankruptcy Court for all pretrial proceedings, except that this court will
4 resolve any motions in limine. In both cases, the parties shall continue to comply with
5 the Notice of Trial and Order Setting Deadlines that the Bankruptcy Court imposed,
6 except as this court orders otherwise.

7 The court sets a pretrial conference for both matters at 2:00 p.m. on September 4,
8 2014. The parties shall file any motions in limine, in accordance with Local Rules W.D.
9 Wash. LCR 7(d)(4), no later than August 20, 2014. Jury instructions in accordance with
10 LCR 51, proposed voir dire, an agreed neutral statement of the case, and deposition
11 designations are due no later than September 3, 2014.

12 Trial exhibits shall not be prepared in accordance with the Bankruptcy Court's
13 order, and shall instead be delivered to this court's Deputy Clerk, Victoria Ericksen, by
14 4:00 p.m. on September 10, 2014. Each party shall deliver two copies of their exhibits,
15 prepared as follows. Each exhibit shall be clearly marked. Exhibit tags are available in
16 the Clerk's Office. The exhibits shall be numbered consecutively beginning with 1.
17 Defendant's exhibits shall be numbered consecutively after Plaintiff's exhibits using the
18 next number sequence not used by Plaintiff (*e.g.*, if Plaintiff has marked 150 exhibits,
19 Defendant shall mark its exhibits beginning with 200). Duplicate documents shall not be
20 listed twice. Once a party has identified an exhibit in the pretrial order, any party may
21 use it. Each set of exhibits shall be submitted in a three-ring binder with appropriately
22 numbered tabs.

23 Dated this 18th day of July, 2014.

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25 

26 The Honorable Richard A. Jones
27 United States District Court Judge