

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

CMFG LIFE INSURANCE COMPANY,
CUMIS INSURANCE SOCIETY, and
MEMBERS LIFE INSURANCE COMPANY,

Plaintiffs,

v.

CREDIT SUISSE SECURITIES (USA) LLC,

Defendant.

ORDER

14-cv-249-wmc

In response to the parties' motion for a status conference regarding several questions about the upcoming bench trial, the court held a telephonic status conference today, at which the parties appeared by counsel. Consistent with the court's oral rulings,

IT IS ORDERED that:

- 1) The bench trial on liability will commence on Monday, October 30, 2017, and continue that week. Unless the scheduled criminal trial resolves, which appears unlikely, the second week of trial will be limited to Wednesday, November 8, and Thursday, November 9, unless an abbreviated, additional session is needed on Friday, November 10, when the courthouse is closed for Veterans Day. The court will alert the parties promptly should the criminal trial be removed from the calendar.
- 2) Generally, each day, the court will meet with the parties at 8:00 a.m. to discuss any issues; evidence will begin at 8:30; and the trial day will end at 5:30, unless the pace of trial requires evening sessions. The parties can plan on at least 20-minute breaks in the morning and afternoon, as well as one hour for lunch.
- 3) For witnesses whose direct testimony will be provided by written questions and answers by stipulation of the parties in lieu of direct testimony, the proponent shall submit the Q&As by noon the day *before* the witness will testify.
- 4) By Friday, October 27, 2017, plaintiffs should file the order in which their experts will be called; by November 1, 2017, defendant should similarly file its order of experts.
- 5) By October 26, 2017, all exhibits and appendices to expert reports should be provided to the court on thumb drives or similar devices using one of the

following formats:

Documents and Photographs: .pdf, .jpg, .bmp, .tif, .gif

Video and Audio Recordings: .avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav, .3gpp

Regarding the file size of electronic evidence, individual files should not exceed 500MB. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. Not also that, PDF documents can often be reduced significantly in size by using tools such as Adobe's "Reduce File Size" feature. Images can also be significantly reduced in file size by lowering its resolution or dimensions, usually with minimal affect to viewing quality. Finally, videos should be separated into 10 minute clips to satisfy the 500MB threshold.

- 6) Parties are relieved from filing proposed findings of facts *before* trial. Instead, the court likely will require the parties to file those findings, along with supporting legal briefs, 30 days after the trial transcript is filed. The court will determine whether further briefing or proposed facts are necessary at the close of evidence.
- 7) By October 27, 2017, for those witnesses to be called by deposition designation, the proponent shall provide the court by hard copy proponent designations, counter-designations, and any objections clearly marked on the relevant pages of each transcript. For example, the proponent designations could be clearly marked in one color; counter-designations in another color; and objections indicated by creating a box around the testimony that is subject to an objection. Also by October 27, the parties should email these designations in word to Chambers at wiwd_wmc@wiwd.uscourts.gov. Finally, the proponent should indicate at the time of submission in which order the court might most productively review their submissions.
- 8) The parties should meet and confer on: (a) which, if any, of the video depositions should be viewed in whole or in part in court during the course of trial; (b) which, if any, of the experts should provide live direct testimony (rather than rely on their respective expert reports); and (c) the possibility of streamlining the exhibit list and objections to exhibits, including by use of 1006 summaries.

Entered this 13th day of October, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge