

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

MICHAEL GALSTER

vs.

NO. 4:03CV01013 GTE

KELLY DUDA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DEC - 7 2004
By: JAMES W. MCCORMACK, CLERK
DEP CLERK

AMENDED SCHEDULING ORDER

This case is [re]scheduled for jury trial before United States District Judge G. Thomas Eisele on **APRIL 11, 2005**, at 9:15 a.m. in room (to be announced at a later date), in **LITTLE ROCK, Arkansas**.

1. **DISCOVERY** - All discovery, including evidentiary depositions, must be completed by **JANUARY 27, 2005**. All discovery must be propounded so that responses are due on or before this date. These deadlines do not relieve the parties of their disclosure obligations, or from potential sanctions for failure to meet those obligations, under applicable discovery rules.

2. **MOTIONS** - All motions, except motions in limine, must be filed no later than **FEBRUARY 9, 2005**. Any motions submitted after this deadline may be denied solely on the basis of having been untimely filed.

3. **FORMAT OF SUMMARY JUDGMENT STATEMENT OF FACTS PURSUANT TO LOCAL RULE 56.1**. In opposing a motion for summary judgment, the non-moving party shall format her statement of disputed (and undisputed) material facts pursuant to Local Rule 56.1 as follows. The non-moving/opposing party shall first respond paragraph by paragraph to the statement of undisputed material facts submitted by the moving party. The non-moving opposing party shall format the responsive portion of her statement like Requests for Admission. That is, she should repeat the statement verbatim as set forth in the moving party's statement and respond to it by admitting the statement or pointing out that portion of the statement, if any, she disputes. By way of example the first paragraph of a non-moving/opposing party Local Rule 56.1 statement might read as follows:

Moving Party: 1. "Plaintiff began working for Defendant Employer in March of 2000."

Response: 1. Plaintiff, as the non-moving party, will either admit or deny this allegation. If denied, Plaintiff will state with particularity that portion of the allegation denied, citing to any evidentiary support for the denial.

After responding paragraph by paragraph to the moving party's statement of undisputed material

facts in this fashion, the non-moving/opposing party may identify additional material facts as to which it contends a genuine issue exists for trial.

4. **PRETRIAL INFORMATION SHEETS** - Counsel must complete and file with the Clerk's office Pretrial Information Sheets pursuant to instructions set forth in Local Rule 16.1 no later than **MARCH 11, 2005**, with copies to opposing counsel and the courtroom deputy, Cherie Westbrook, 600 W. Capitol, Room 502, P.O. Box 3684, Little Rock, AR 72203. Witnesses and exhibits not listed in the pretrial sheets may not be used at trial except in extraordinary circumstances. All exhibits listed in the pretrial sheets must be made available to opposing counsel for personal inspection no later than **MARCH 11, 2005**.

5. **EVIDENTIARY DEPOSITIONS, MOTIONS IN LIMINE AND EVIDENTIARY OBJECTIONS** - The proffering party must designate the pertinent portions of an evidentiary deposition by **MARCH 11, 2005**. Counterdesignations must be made by **APRIL 1, 2005**. Objections to any deposition or videotapes which will be used at trial and motions in limine must be made by written motion indicating the specific objection and its legal basis by **APRIL 1, 2005** with the response due five days later.

6. **JURY INSTRUCTIONS** - An **agreed** set of jury instructions shall be submitted to the court **APRIL 1, 2005**. The court will **not accept** two sets of instructions. Any instructions not agreed upon should be submitted to the court by this same date with citation of authority noted thereto. Jury instructions must be typed on separate sheets and also submitted on a 3" diskette, in WordPerfect 6.1 or higher format, if available.

(**For Judge Eisele's Court**) Each party shall submit to the court by the same date concise statement of the case that it proposes would be proper to read to the panel of venire persons during voir dire, and also any proposed voir dire questions it wishes the Court to pose to the panel.

7. **EXHIBIT AND WITNESS LISTS** - To avoid delay during trial, counsel are to mark and exchange all exhibits and disclose all charts, diagrams, models, or other visual aids with other parties before trial. The marked exhibits, in numerical sequence on the attached exhibit list, and a complete list of witnesses, including rebuttal witnesses (if their identity is known), shall be delivered to the courtroom deputy thirty minutes prior to trial to ensure that all exhibits have been properly marked.

8. **VOIR DIRE** - The Court will ask preliminary questions. Counsel may be permitted to conduct voir dire; however, the questions should be designed to elicit information regarding juror qualifications, not to argue the case.

9. **SETTLEMENT** - In the event of a scheduling conflict or settlement, please advise the Court immediately by telephoning **Cherie Westbrook at 501/604-5160**. The case will not be removed from the calendar until an Order of Dismissal has been filed.

Judge Eisele also requires the following:

10. **STATUS REPORT** - A status report will be filed with the Clerk's office on or before **FEBRUARY 9, 2005**. The report shall include the date and time of the informal discovery conference and the results thereof, the settlement prospects and an estimate of the length of trial. The Court will expect the attorneys to explore every possibility of settlement well in advance of the trial date.

11. **TRIAL BRIEFS** - The parties shall simultaneously submit to the Court on or before **MARCH 11, 2005** trial briefs summarizing the anticipated factual and legal issues in the case. In the briefs, the parties shall suggest to the Court any evidentiary issues that are expected to arise during trial, and brief the law concerning the proper resolution of those issues. Reply briefs, if any, shall be submitted to the Court on or before ten days after the trial brief.

12. **SUMMARY OF KEY DATES** - The following summary of key dates is provided for your convenience. However, in the event the dates listed above are in conflict with this summary, the dates listed above are controlling.

TRIAL DATE	APRIL 11, 2005
DISCOVERY CUTOFF DATE	JANUARY 27, 2005
MOTIONS	FEBRUARY 9, 2005
PRETRIAL INFORMATION SHEET	MARCH 11, 2005
EVIDENTIARY DEPOSITION DESIGNATIONS	MARCH 11, 2005
MOTIONS IN LIMINE & EVIDENTIARY OBJECTIONS	APRIL 1, 2005
JURY INSTRUCTIONS	APRIL 1, 2005
STATUS REPORT	FEBRUARY 9, 2005
TRIAL BRIEF	MARCH 11, 2005

IT IS SO ORDERED this 6th day of **DECEMBER** 2005.

AT THE DIRECTION OF THE COURT

By Cherie Westbroek
Courtroom Deputy

CR

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

December 6, 2004

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:03-cv-01013.

True and correct copies of the attached were mailed by the clerk to the following:

Joseph Walker Woodson Jr., Esq.
Whetstone Law Firm
Regions Center
400 West Capitol
Suite 2990
Little Rock, AR 72201

Robert R. Cortinez II, Esq.
Attorney at Law
1421 South Main Street
Post Office Box 217
Little Rock, AR 72203-0217

James W. McCormack, Clerk

Date:

12/6/04

BY:

Cherie Westbury