

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 ARKANSAS  
JAN 25 2005  
JAMES W. McCORMACK, CLERK  
By: \_\_\_\_\_  
DEP CLERK

**AMENDED SCHEDULING ORDER**

Due to conflicts of the Court this case is [re]scheduled for jury trial before United States District Judge G. Thomas Eisele on **APRIL 26, 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 **FEBRUARY 28, 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 23, 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

10. **STATUS REPORT** - A status report will be filed with the Clerk's office on or before **FEBRUARY 23, 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 25, 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 26, 2005
DISCOVERY CUTOFF DATE	FEBRUARY 28, 2005
MOTIONS	FEBRUARY 23, 2005
PRETRIAL INFORMATION SHEET	MARCH 25, 2005
EVIDENTIARY DEPOSITION DESIGNATIONS	MARCH 25, 2005
MOTIONS IN LIMINE & EVIDENTIARY OBJECTIONS	APRIL 15, 2005
JURY INSTRUCTIONS	APRIL 15, 2005
STATUS REPORT	FEBRUARY 23, 2005
TRIAL BRIEF	MARCH 25, 2005

IT IS SO ORDERED this 25<sup>th</sup> day of **JANUARY** 2005.

AT THE DIRECTION OF THE COURT

By Cherie Westbrook  
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

January 24, 2005

\* \* 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.  
Crockett Law Firm  
Post Office Box 165405  
Little Rock, AR 72216

James W. McCormack, Clerk

Date: \_\_\_\_\_

1/25/05

BY: \_\_\_\_\_

Cherie Westberry