

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

Commodity Futures Trading Comm., et al.,
Plaintiff
vs.
Prestige Ventures Corp., et al.,
Defendant

Case No. CIV-09-1284-R

TRIAL DOCKET

SCHEDULING ORDER

Date 4/6/10 Judge DAVID RUSSELL Clerk Nancy Stark

Appearing for Plaintiff Katherine Driscoll, Tara Bonnell

Appearing for Defendant Simon Yang - pro se, David Lee, Darren Lee, Kenneth Lee & Sheila Lee - all by phone, Warren Bickford

Jury Trial Demanded Non-Jury Trial

THE FOLLOWING DEADLINES ARE SET BY THE COURT

- 1. Motions to join additional parties to be filed by
2. Motions to amend pleadings to be filed by:
3. (a) Plaintiff to file a final list of expert witness(es) in chief and submit expert reports to defendant by
(b) Defendant to file a final list of expert witness(es) in chief and submit expert reports to plaintiff by
4. (a) Plaintiff to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed by
(b) Defendant to file a final list of witnesses (as described above) 10 days thereafter.*
5. Plaintiff to file a final exhibit list by:
Defendant to file objections to Plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by
Defendant to file a final exhibit list 10 days thereafter.* Plaintiff to file objections to Defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by

- shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.
6. Discovery to be completed by
7. All dispositive and Daubert motions to be filed by
If the deadline for dispositive motions and Daubert motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.
8. Trial docket
**Trial dockets generally begin the second Monday of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.
The interval between the dispositive motion deadline (¶ 7) and the trial docket (¶ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.
9. Designations of deposition testimony to be used at trial to be filed by

*The listing of witnesses and exhibits

Objections and counter-designations to be filed by _____.

10. Motions in limine to be filed by _____

11. Requested voir dire to be filed by _____.

12. Trial briefs (optional unless otherwise ordered) to be filed by _____.

13. Requested jury instructions to be filed on or before _____,***

14. NON-JURY CASES ONLY: Proposed findings and conclusions of law to be filed no later than _____,***

***In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box: russell-orders@okwd.uscourts.gov

15. Any objection or responses to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within five (5) days thereafter.

16. Proposed final pretrial report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), together with a proposed order approving the report, to be submitted to the Court by _____

17. This case is referred to the following Court-sponsored ADR/settlement process or special trial track:

___ by agreement of the parties, with the approval of the Court:
___ by Order of the Court:

- ___ Mediation
- ___ Judicial Settlement Conference
- ___ Other _____

If the case is referred to mediation or some other form of private ADR, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than _____.

18. Except as may be otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, within ten calendar days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall provide reasons justifying the commitment of court resources to the settlement process, and shall describe the reasons for which efforts to settle the case by other means have been unsuccessful.

19. ___ The parties consent to trial by a Magistrate Judge.

20. Initial disclosure pursuant to Fed. R. Civ. P. 26 has been made _____; is excused _____; or shall be made no later than _____.

21. Other: _____ Defendants granted 10 days to file an Answer and respond to the Motion for Contempt _____

BY ORDER OF THE COURT
ROBERT D. DENNIS, CLERK

By s/Nancy Stark
Deputy Clerk