

Commodity Futures Trading Commission, et al.,)
Plaintiff)
vs.)
Kenneth Wayne Lee, et al.,)
Defendant)

Case No. CIV-09-1284-R

November 2010 TRIAL DOCKET

SCHEDULING ORDER

Date 6/24/10 Judge DAVID RUSSELL Clerk Nancy Stark

Appearing for Plaintiff Katherine Driscoll and Terra Bonnell both by phone

Appearing for Defendant Kenneth Lee, Simong Yang, Darren Lee, David Lee and Stephen Moriarty, all by phone

Jury Trial Demanded X Non-Jury Trial _____

THE FOLLOWING DEADLINES ARE SET BY THE COURT

1. Motions to join additional parties to be filed by
7/20/10.

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.

2. Motions to amend pleadings to be filed by:
7/20/10.

6. Discovery to be completed by 10-01-10.

3. (a) Plaintiff to file a final list of expert witness(es) in chief and submit expert reports to defendant by 8-01-10.*

7. All dispositive and *Daubert* motions to be filed by 09-01-10.

(b) Defendant to file a final list of expert witness(es) in chief and submit expert reports to plaintiff by 14 days thereafter.*

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.

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 8-15-10.*

8. Trial docket November 2010 **

(b) Defendant to file a final list of witnesses (as described above) 14 days thereafter.*

****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.**

5. Plaintiff to file a final exhibit list by:
8-15-10.* Defendant to file objections to Plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by 14 days thereafter.

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.

Defendant to file a final exhibit list by 8-29-10.* Plaintiff to file objections to Defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by 14 days thereafter.

9. Designations of deposition testimony to be used at trial to be filed by 11-01-10. Objections and counter-designations to be filed by 11-06-10.

***The listing of witnesses and exhibits 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**

- 10. Motions in limine to be filed by 11-01-10
- 11. Requested voir dire to be filed by 11-01-10
- 12. Trial briefs (optional unless otherwise ordered) to be filed by 11-01-10.
- 13. Requested jury instructions to be filed on or before 11-01-10.***
- 14. NON-JURY CASES ONLY: Proposed findings and conclusions of law to be filed no later than _____***
- 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 11-01-10.

*****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**

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: _____

BY ORDER OF THE COURT
ROBERT D. DENNIS, CLERK

By s/Nancy Stark

Deputy Clerk