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CLARENCE MADDOX
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S.D. OF FLA. FT. LAUD.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

BETH FORRY,

Case No. 01-7089-CIV-FERGUSON

Plaintiff,

v.

FEDERATED FINANCIAL SERVICES, INC.

Defendant.
_____ /

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Case No. 01-7542-CIV-FERGUSON

Plaintiff,

v.

FEDERATED FINANCIAL SERVICES, INC.

Defendant.
_____ /

ORDER CONSOLIDATING CASES & SETTING TRIAL SCHEDULE

THIS CAUSE came before the Court upon the Defendant's Unopposed Motion to Consolidate [Case No. 01-7542, D.E. #18]. It is hereby

ORDERED AND ADJUDGED that the Motion [Case No. 01-7542, D.E. #18] is **GRANTED** for discovery and trial purposes. **Accordingly, the parties shall file all pleadings under case number 01-7089-CIV-FERGUSON.** It is further

ORDERED AND ADJUDGED that trial in this matter is set for the two-week period commencing October 20, 2003, before the Honorable Wilkie D. Ferguson, Jr., United States District Judge, at 299 East Broward Boulevard, Courtroom 207A, Fort Lauderdale, Florida. If not

[Handwritten signature]
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reached during this period, this cause will be continued to each succeeding two-week trial period until reached or until further notice from the Court.

IT IS ORDERED AND ADJUDGED as follows:

1. Counsel shall meet prior to the mandatory pretrial conference to confer to the preparation of a **Joint** Pretrial Stipulation. The original and one copy of a Joint Pretrial Stipulation must be filed on or before the date set forth below and shall conform to Local Rule 16.1(e). **The Court will not accept unilateral Pretrial Stipulations. Failure to file a Joint Pretrial Stipulation on or before the date set forth below shall be grounds for dismissal or striking of defenses.**

2. In cases tried before a jury, each party shall file a copy of the proposed jury instructions in hard copy form and on a 3.5" diskette at least **ONE WEEK** prior to the beginning of the trial period. Each jury instruction shall be typed on a separate sheet and must be supported by citations of authority. In preparing their requested jury instructions, the parties shall utilize as a guide the Patterned Jury Instructions for Civil Cases approved by the United States Eleventh Circuit, including the Directions to Counsel contained therein. Copies shall be delivered to chambers at the time of filing. **Failure to timely file jury instructions and verdict forms as directed above shall be grounds for sanctions, including dismissal or striking of defenses.**

3. In cases tried before the Court, each party shall file Proposed Findings of Fact and Conclusions of Law in hard copy form and on a 3.5" diskette at least **ONE WEEK** prior to the beginning of the trial period. Proposed Conclusions of law shall be supported by citations of authority. Copies shall be delivered to chambers at the time of filing. **Failure to timely file**

Proposed Findings of Fact and Conclusions of Law as directed above shall be grounds for sanctions, including dismissal or striking of defenses.

4. All exhibits must be pre-marked. The Plaintiff shall mark its exhibits numerically. Defendant shall mark its exhibits alphabetically. A typewritten exhibit list setting forth the number, or letter, and description of each exhibit must be submitted at the time of trial. The parties shall submit said exhibit list on **Form AO 187**, which is available from the Clerk's office.

5. A Motion for Continuance shall not stay the requirement for the filing of a Joint Pretrial Stipulation and, unless an emergency situation arises, a Motion for Continuance will not be considered unless it is filed at least twenty (20) days prior to the date on which the trial period is scheduled to commence.

6. All motions for extension of time shall be accompanied by a proposed order. Counsel are reminded to comply with Local Rule 7.1(A)(4).

7. **A PENDING MOTION TO DISMISS SHALL NOT STAY DISCOVERY** except where a Stay is mandated by Statute.

8. **Non-compliance with any provision of this Order may subject the offending party to sanctions, or striking of defenses.** It is the duty of all counsel to enforce the timetable set forth herein in order to insure an expeditious resolution of this cause.

9. The following timetable shall govern the pretrial procedure in this cause. **This schedule shall not be modified absent compelling circumstances.**

Jun. 2, 2003

Joinder of Additional Parties and Amended Pleadings.

- Jun. 16, 2003 Plaintiff shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Within the fourteenth day period following this disclosure, the Plaintiff shall make its experts available for deposition by the Defendant. The experts' depositions may be conducted without further order from the Court.
- Jun. 30, 2003 Defendant shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Within the fourteenth day period following this disclosure, the Defendant shall make its experts available for deposition by the Plaintiff. The experts' depositions may be conducted without further order from the Court.
- Jul. 14, 2003 Parties shall furnish opposing counsel with a written list containing the names and addresses of all witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify.
- Aug. 4, 2003 **All Discovery must be completed.**
- Aug. 25, 2003 All Pretrial Motions, including Motions for Summary Judgment and Memoranda of Law, must be filed.
- Sep. 8, 2003 Joint Pretrial Stipulation must be filed.
- Sep. 15, 2003 **Pretrial Conference at 4:15 p.m.** Parties should be prepared to address all pending motions.
- Oct. 14, 2003 **Calendar Call at 4:15 p.m.** Proposed Jury Instructions or Proposed Findings of Fact and Conclusions of Law and Proposed Verdict Form shall be filed. **The parties are ordered to confer prior to submitting the Proposed Jury Instructions and Proposed Verdict Form** to determine whether they can agree to them prior to their submission to the Court.

Oct. 20, 2003


Two-Week Trial Period. A time for your appearance will be given at Calendar Call.

10. All pretrial Motions in Limine shall be filed not later than twelve (12) days prior to the scheduled Calendar Call. All oppositions to Motions in Limine must be filed seven (7) days prior to the scheduled Calendar Call.

11. In order to facilitate the accurate transcription of the trial proceeding, the parties shall mail to Stephen Franklin, the Court's Official Court Reporter, at **299 East Broward Boulevard, Suite 207B, Fort Lauderdale, Florida 33301**, a copy of (1) the witness and exhibit lists and (2) a designation of unique proper nouns/names which may be raised at trial, to be received no later than five (5) days prior to the scheduled trial period.

12. If the case is settled, counsel are directed to inform the Court promptly by calling the judge's chambers and to submit an appropriate Order for Dismissal, pursuant to Fed.R.Civ.P. 41(a)(1). The proposed Order must be filed no later than ten (10) days after the Notice of Settlement is given to the Court.

DONE and ORDERED in Chambers at Fort Lauderdale, Florida, this 23RD day of January, 2002.



WILKIE D. FERGOUSON, JR.
UNITED STATES DISTRICT JUDGE

copies provided:
Jason Gunther, Esq.
Cheryl Cooper, Esq.
John Phillips, Esq.