

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CIVIL ACTION NO. 06-299-JBC

JUSTIN CRAWFORD, ET AL.,

PLAINTIFFS,

V.

ORDER

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT,

DEFENDANT.

* * * * *

A telephonic status conference was held before the undersigned on January 17, 2008. Thomas Miller, Don Pisacano, and Elizabeth Woodford appeared for the plaintiffs; George Miller, LaToi Mayo, Mitzi Denise Wyrick and Sharon Gold appeared for the defendant. The proceedings were reported by Peggy Weber.

The defendant having orally moved to continue the pretrial conference and jury trial, and having orally moved to modify the date for filing a motion to decertify, and the court being sufficiently advised,

IT IS ORDERED that the motions are **GRANTED**. The initial pretrial conference and motions hearing scheduled on February 8, 2008, the final pretrial conference scheduled on March 14, 2008, and the jury trial scheduled on April 14, 2008, are CANCELLED.

IT IS FURTHER ORDERED that discovery on the subject of (a) 20-minute lunch breaks; and (b) employees' exempt status, shall be completed no later than March 3, 2008.

IT IS FURTHER ORDERED that dispositive motions on the above subjects shall be filed no later than April 3, 2008.

IT IS FURTHER ORDERED that a pretrial conference is scheduled on July 25, 2008, at 11:00 a.m.

IT IS FURTHER ORDERED that a jury trial is scheduled on August 25, 2008, at 9:00 a.m.

IT IS FURTHER ORDERED as follows:

(1) No later than seven (7) days prior to pretrial conference, counsel shall file with the Clerk an original, shall submit a copy to the Court's Chambers, and shall provide a copy to opposing counsel of the following:

(a) pursuant to Rule 26(a)(3)(A), a witness list with a brief summary of the expected testimony of each witness; pursuant to Rule 26(a)(3)(B), the witness list shall include the designation of those witnesses whose testimony is expected to be presented by deposition with references to the pages and the questions to be presented; and, if the deposition was not taken stenographically, a transcript of the pertinent portions of the deposition testimony shall be attached to the witness list;

(b) pursuant to Rule 26(a)(3)(C), a list of exhibits intended to be used at trial; and

(c) a pretrial memorandum containing a succinct statement of the facts of the case, the questions of fact, the questions of law, expected evidentiary objections, and a listing of all pending motions. The pretrial memorandum shall also indicate the progress of the case and status of settlement negotiations; the likelihood of settlement; and the feasibility of alternative dispute resolution. Comments regarding the feasibility of alternative dispute resolution shall include the views of the parties on the method of resolution (i.e., mediation, arbitration, settlement conference, summary jury trial, etc.).

(2) No later than seven (7) days prior to pretrial conference, counsel shall pre-mark all exhibits in accord with Rule 13 of the Joint Local Rules for the United States District Courts of the Eastern and Western Districts of Kentucky, with numbers in the order to be introduced at trial, and shall provide to opposing counsel copies of all such exhibits and of all demonstrative aids intended to be used at trial.

(3) No later than seven (7) days prior to pretrial conference, counsel shall conduct a conference in person or by telephone to formulate agreed proposed jury instructions on the substantive law of the case.

(4) At the time of the pretrial conference, counsel shall file with the Clerk and shall submit to the Court a copy of the agreed proposed jury instructions on the substantive law of the case, with supporting authorities. If the parties cannot agree on certain instructions, counsel shall file with the Clerk, shall submit a copy to the Court, and shall provide a copy to opposing counsel of their separately proposed instructions with supporting authorities.

(5) At the time of the pretrial conference, counsel shall submit to the court an agreed statement of the case suitable for reading to the prospective jurors on voir dire.

(6) At the time of the pretrial conference, counsel shall file with the Clerk, shall submit a copy to the Court, and shall provide a copy to opposing counsel of any objections to the use of depositions or to the admissibility of exhibits pursuant to Rule 26(a)(3). Such objections shall be in the form of motions in limine. Objections not then disclosed, other than objections based on Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the Court for good cause shown.

(7) No later than three (3) working days prior to the trial of this action, counsel shall submit to the Court's Chambers a copy of each documentary exhibit.

TIC: /45

Signed on January 23, 2008



Jennifer B. Coffman

JENNIFER B. COFFMAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY