

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States Securities and Exchange
Commission,

Civil No. 09-3333 MJD/FLN

Plaintiff,

v.

PRETRIAL SCHEDULE

Trevor G. Cook, Patrick J. Kiley,
et al.

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

The parties are ORDERED to preserve any recording of any of Mr. Kiley's radio broadcasts that are under their custody and control.

1. Discovery/Non-Dispositive Motions:

- a. All motions which seek to amend the pleadings or add parties must be filed and served by April 1, 2011.
- b. All discovery shall be commenced in time to be completed by October 1, 2011.
- c. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before February 1, 2011.
- d. No more than 25 interrogatories, including all discrete subparts, shall be served by any party.

- e. No more than 15 non-expert depositions shall be taken by any party.
- f. All nondispositive motions and supporting documents, including those which relate to discovery, shall be filed and served by January 1, 2012. Nondispositive motions may be scheduled for hearing by calling Cathy Orlando, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1, 37.1 and 37.2.

2. Expert Disclosure and Discovery:

- a. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:
 - 1) By Plaintiff(s) on or before November 1, 2011.
 - 2) By Defendant(s) on or before December 1, 2011.
- b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:
 - 1) By plaintiff(s) on or before November 1, 2011.
 - 2) By defendant(s) on or before December 1, 2011.
- c. Each party may depose no more than 2 expert witnesses on or before January 1, 2012.
- d. Any expert testimony which has not been fully disclosed in accordance with this schedule shall be excluded from evidence at trial.

3. Dispositive Motions:

- a. All dispositive motions shall be filed, briefed and scheduled for hearing prior to March 1, 2012.
- b. Counsel are reminded that they must anticipate the time required for scheduling this hearing by calling

Calendar Clerk Kristine Wegner at (612)664-5073.

- c. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures and with Local Rule 7.1.

4. Trial

- a. This case shall be ready for trial no later than July 1, 2012, at which time it will be placed on the court's non-jury trial calendar.
- b. Trial is estimated to last 1-2 weeks.

DATED: December 21, 2010.

S/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge