

II. AMENDED TRIAL SCHEDULE

A. Master Requests for Production of Documents and Interrogatories

Written discovery in this case shall continue to be governed by the provisions outlined in Paragraphs IV.B.1.b-c. of Pretrial Order No. 39. All discovery in this case shall be completed no later than February 9, 2010.

B. Written Requests for Admission

The parties may serve Requests for Admission at any time, except that no Requests for Admission may be served after December 18, 2009.

C. Exchange of Fact Witness Lists

The parties shall exchange lists of fact witnesses no later than November 16, 2009.

D. Depositions

Depositions shall proceed pursuant to the provisions outlined in Paragraph V. of Pretrial Order No. 39, except that depositions shall be completed no later than February 9, 2010.

E. Expert Discovery

Plaintiff shall make its non-damages expert disclosures no later than November 6, 2009, and Defendant shall make its non-damages expert disclosures no later than December 7, 2009. Plaintiff's non-damages rebuttal expert reports shall be served no later than December 21, 2009. Plaintiff's damages expert reports shall be served no later than December 22, 2009. Defendant's damages expert reports shall be served no later than January 21, 2010. Plaintiff's damages rebuttal expert reports shall be served no later than January 28, 2010.

F. Status Conferences

Status conferences will take place every other week beginning January 7, 2010, unless otherwise ordered by the Court.

G. Pretrial Schedule

1. Dispositive Motions and *Daubert* Motions.

Dispositive motions, including motions for summary judgment, shall be filed and served no later than February 19, 2010. Responses to summary judgment motions shall be filed and served no later than March 9, 2010. Replies in support of summary judgment motions shall be filed and served no later than March 16, 2010.

Daubert motions shall be filed and served no later than February 19, 2010.

Responses to *Daubert* motions shall be filed and served no later than February 26, 2010.

Replies in support of *Daubert* motions shall be filed and served no later than March 5, 2010.

The Court will hear argument on *Daubert* motions on March 12, 2010 at 9:00 a.m., unless a different date or time is set by the Court.

The Court will hear argument on dispositive motions on March 24, 2010 at 9:00 a.m., unless a different date or time is set by the Court.

2. Deposition Designation and Exhibit Disclosures.

The parties shall serve their deposition designations for witnesses, along with exhibit lists and copies of exhibits they plan to use at trial, on March 15, 2010. The parties shall serve deposition counter designations for witnesses on March 25, 2010. Objections to exhibits and deposition designations shall be filed no later than March 29, 2010. Defendant will tender pre-trial inserts to Plaintiff's counsel no later than March 29, 2010.

3. **Motions *in Limine*.**

Motions *in limine* shall be filed and served no later than February 26, 2010.

Responses to motions *in limine* shall be filed and served no later than March 12, 2010.

Replies in support of motions *in limine* shall be filed and served no later than March 19, 2010. The Court will hear argument on the parties' motions *in limine* on March 26, 2010 at 9:00 a.m., unless a different date or time is set by the Court.

4. **Proposed Jury Materials.**

The parties shall submit proposed jury materials (including instructions and questionnaires) on April 1, 2010.

5. **Pretrial Order and Conferences.**

The Parties shall attend a settlement conference on March 12, 2010, at 9:00 a.m., unless a different date or time is set by the Court. Plaintiff shall submit a proposed final pretrial order on March 25, 2010. The parties shall appear before the Court for a pretrial conference on March 26, 2010, at 9:00 a.m., unless a different date or time is set by the Court.

6. **Trial Date.**

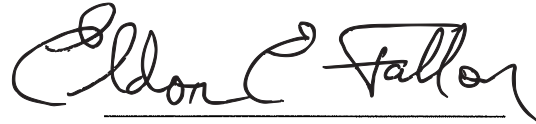
Trial shall begin on April 12, 2010 at 8:30 a.m. before a jury, and shall last for two weeks. Counsel should report to chambers at 8:00 a.m.

III. FEDERAL RULES OF CIVIL PROCEDURE APPLICABLE

Unless specifically modified herein, nothing in this Order shall be construed to abrogate the Federal Rules of Civil Procedure.

New Orleans, Louisiana

Dated:

A handwritten signature in black ink, reading "Eldon C. Fallon". The signature is written in a cursive style with a large initial "E".

United States District Judge