

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:06-bk-01376-ABB
Chapter 7

INMAN INCORPORATED,

Debtor.

MARIE E. HENKEL, TRUSTEE,

Plaintiff,

vs.

Adv. Pro. No. 6:08-ap-00107-ABB

TURKEY LAKE SHOPPING
CENTER, INC. and
CNL FUNDING 2000-A, LP,

Defendants.

**AMENDED ORDER ESTABLISHING
PRETRIAL**

AND JURY TRIAL SCHEDULE

THE ABOVE-CAPTIONED ADVERSARY PROCEEDING came on for hearing on January 12, 2009 at which counsel for the Plaintiff Marie E. Henkel and counsel for Turkey Lake Shopping Center, Inc. appeared. An Order Establishing Pretrial and Jury Trial Schedule was entered on February 11, 2009 (Doc. No. 22). Turkey Lake's Motion to Modify the February 11, 2009 Order was granted by Order entered on February 17, 2009 (Doc. No. 27). The February 11, 2009 Order is hereby modified to reopen the discovery period and extend various deadlines.

The procedures set forth below shall control the handling of these proceedings. No variations or adjustments shall be made without prior leave of the Court upon request made by written motion. Failure to comply with this Order shall result in appropriate sanctions.

Turkey Lake made a demand for a jury trial in its Answer (Doc. No. 6), which demand was timely made pursuant to Federal Rule of Civil Procedure 38(b) and Federal Rule of

Bankruptcy Procedure 9015(b). The parties do not consent to this Court conducting a jury trial and agree to a jury trial being conducted by the United States District Court for the Middle District of Florida, Orlando Division ("District Court"). This adversary proceeding shall be transferred to the District Court for jury trial pursuant to 28 U.S.C. Section 157(e) upon the conclusion of the pretrial proceedings.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the parties shall comply with the following provisions:

1. The deadline for filing summary judgment motions expired on December 1, 2008. The deadline for completing discovery is hereby reopened through March 27, 2009.

2. The parties shall meet, in person or by telephone, at a mutually agreed location, date, and time to prepare:

a. An agreed Joint Statement of the Case setting forth the parties' claims, defenses, legal authorities, relief sought, and an itemization of damages and other relief sought. Such Joint Statement shall also set forth the realistic estimated amount of time each party requires for presentation of its evidence and argument. The Joint Statement shall be filed by April 6, 2009.

In the event the parties are unable to agree on a Joint Statement, each party shall file and serve separate statements by April 6, 2009. Objections to a statement shall be filed and served by April 13, 2009.

b. Proposed voir dire questions, which shall be filed by April 6, 2009.

c. Agreed proposed jury instructions, which shall be filed by April 6, 2009. If the parties are unable to agree on jury instructions, separate proposed instructions shall be filed by April 6, 2009 and shall be numbered, identify the proponent of the instruction, and include supporting authority. Objections to any proposed instructions must be filed by April 13, 2009 and include supporting authority.

3. Witness lists containing the names and addresses of all witnesses, including any expert witnesses, who will be called, who

may be called, or whose deposition will be used, shall be filed and served by April 6, 2009. Rebuttal expert witness lists shall be filed and served by April 27, 2009. For each expert witness, a statement setting forth the subject of each expert witness' expertise and the witness' qualifications shall be included.

Any witness not timely disclosed will be precluded from testifying absent a showing of good cause, except that each party reserves the right to call such non-expert rebuttal witnesses (who are not presently identifiable) as may be necessary.

Objections to the calling of any witness shall be filed and served by May 4, 2009. Objections not timely made will be deemed waived absent a showing of good cause.

4. Each party shall file and serve a list of exhibits to be introduced at trial and any demonstrative exhibits or evidence, with a brief description of each exhibit, by April 27, 2009. Copies of all exhibits must be served on the opposing parties on or before April 27, 2009. Any exhibit not timely disclosed will be excluded from evidence absent a showing of good cause.

5. Objections to exhibits must be served on the opposing parties and filed with the Court by May 4, 2009.

6. Exhibits shall not be filed with this Court, but shall be filed with the District Court subsequent to transmittal of this proceeding to the District Court. The Local Rules of The United States District Court for the Middle District of Florida and any case management and/or scheduling orders issued by the District Court regarding this proceeding shall control.

Dated this 17th day of February, 2009.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge