

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U. S. Commodity Futures Trading
Commission,

Civil No. 09-3332 MJD/FLN

Plaintiff,

v.

PRETRIAL SCHEDULE

Trevor Cook, et al.,

Defendants.

and

United States Securities and
Exchange Commission,

Civil 09-3333 MJD/FLN

Plaintiff,

v.

Trevor Cook, 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 as to the Receiver, on the one hand, and all other parties (**except** New York Community Bank and Wells Fargo) on the other. A separate schedule [Docket # 542 in CV 09-3332; #587 in CV 09-3333] will govern the case insofar as between the Receiver and New York Community Bank and Wells Fargo. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery/Non-Dispositive Motions:

- a. All discovery shall be commenced in time to be completed by July 1, 2011.
- b. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before December 1, 2010.
- c. All nondispositive motions and supporting documents, including those which relate to discovery, shall be filed and served by July 1, 2011. 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 all parties on or before May 1, 2011, with respect to initial experts.
 - 2) By all parties on or before June 1, 2011, with respect to rebuttal experts.
- b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:
 - 1) By all parties on or before May 1, 2011, with respect to initial expert reports.
 - 2) By all parties on or before June 1, 2011, with respect to rebuttal expert reports.
- c. Each party may depose no more than 2 expert witnesses on or before July 1, 2011.
- 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 September 1, 2011.
- 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 November 1, 2011, at which time it will be placed on the court's trial calendar.

DATED: November 17, 2010.

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