

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. Zayed, in his Capacity as
Court-Appointed Receiver,

Civil File No. 13-cv-232 (DSD/JSM)

Plaintiff,

Supplemental Rule 26(f) Report

v.

Associated Bank, N.A.,

Defendant.

In its April 14, 2015 Pretrial Scheduling Order, the Court ordered that the parties should submit a proposed schedule for the balance of the case if plaintiff's claims survived defendant's motion to dismiss. *See* ECF No. 67. The parties conferred as required on August 14, 2015 and jointly prepared the following report.

The parties previously submitted a joint Rule 26(f) Report on March 24, 2015 that provides various items of information to the Court. *See* ECF No. 64. As the Court directed in its April 14, 2015 Pretrial Scheduling Order, this supplemental report appraises the Court of the discovery limits and schedule that the parties agree should apply to the balance of the case.

(c) **Fact Discovery.**

The parties recommend that the Court **lift the stay of discovery imposed in the Pretrial Scheduling Order [ECF No. 67] effective immediately** and establish the following fact discovery deadlines and limitations:

- (1) The parties must make their initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before September 4, 2015.
- (2) The parties must commence fact discovery procedures in time to be completed by April 4, 2016.
- (3) The parties propose that the Court limit the use and numbers of discovery procedures as follows:
 - (A) 35 interrogatories per side;
 - (B) 60 document requests per side;
 - (C) 100 hours of total deposition testimony per side;
 - (D) 100 requests for admissions per side; and
 - (E) no Rule 35 medical examinations.

(d) **Expert Discovery.**

- (1) The parties anticipate that they will require expert witnesses at the time of trial.
 - (A) The plaintiff anticipates calling 3 experts in the fields of: forensic accounting (including damages), bank practices, and/or BSA/AML compliance.
 - (B) The defendant anticipates calling 3 experts in the fields of: forensic accounting (including damages), bank practices, and/or BSA/AML compliance.
- (2) The parties propose that the Court establish the following plan for expert discovery:
 - (A) Initial experts.

- (i) The identity of any expert who may testify at trial regarding issues on which the party has the burden of persuasion must be disclosed on or before April 4, 2016.
- (ii) The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before May 4, 2016.

(B) Rebuttal experts.

- (i) The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before May 18, 2016.
- (ii) Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before June 17, 2016.

(3) All expert discovery must be completed by July 15, 2016.

(f) Proposed Motion Schedule.

The parties propose the following deadlines for filing motions:

- (1) Motions seeking to join other parties must be filed and served by November 6, 2015.
- (2) Motions seeking to amend the pleadings must be filed and served by November 6, 2015.
- (3) All other non-dispositive motions must be filed and served by August 1, 2016.
- (4) All dispositive motions must be filed and served by September 1, 2016.

(g) Trial-Ready Date.

- (1) The parties agree that the case will be ready for trial on or after November 7, 2016.
- (2) The parties propose that the final pretrial conference be held on or before October 24, 2016.

Dated: August 17, 2015

s/ Brian W. Hayes

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Dated: August 17, 2015

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