

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

R.J. ZAYED,  
*In His Capacity As Court-Appointed  
Receiver For The Oxford Global  
Partners, LLC, Universal Brokerage FX,  
and Other Receiver Entities,*

CIVIL NO. 13-232 (DSD/JSM)

Plaintiffs,

v.

PRETRIAL SCHEDULING ORDER  
PHASE I

ASSOCIATED BANK, N.A.,

Defendant.

This case shall be conducted in two phases. Phase I shall address defendant's Motion to Dismiss based on the affirmative defenses of *res judicata* and *in pari delicto*. If the case survives the motion, Phase II will focus on the balance of the case. Consequently, except for defendant's Motion to Dismiss, all proceedings are stayed during Phase I, including disclosures, discovery and motion practice.

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 these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Defendant's Motion to Dismiss based on the Affirmative Defenses of *Res Judicata* and *In Pari Delicto*

April 14, 2015 -

The parties shall file briefs that resubmit only those portions of their briefs previously filed in connection with defendant's first motion to dismiss [Docket Nos. 30, 43, 44] that addressed defendant's *res judicata* and *in pari delicto* arguments (i.e. the parties shall excise those portions of the previously filed briefs

that do not bear on these issues). In addition, the parties shall jointly contact the court's courtroom deputy, Connie Baker, at (612) 664-5063, to secure a hearing date for oral argument the motion.

### Settlement Conference

June 1, 2015 -

A settlement conference shall take place at 9:30 a.m. in the chambers of the undersigned. A settlement conference order will be issued to the parties approximately six weeks before the conference.

### Electronic Discovery

The parties shall preserve all electronic documents that bear on any claims, defenses or the subject matter of this lawsuit.

### Handling of Sealed Documents Filed in Connection with All Motions

In connection with any motion filed with this Court, only those portions of a party's submission (e.g., memorandum of law, affidavit and exhibits) which meet the requirements for treatment of protection from public filing (e.g., because they are subject to the attorney-client privilege or work product doctrine, they meet the standards articulated by Fed. R. Civ. P. 26(c)(1)(G), or a statute, rule or regulation prohibits their disclosure), shall be filed under seal. Designation of material as confidential or protected by any party pursuant to a protective order as the sole basis for filing the material under seal shall not satisfy this requirement.

With respect to any submission filed with the Court which is sealed and posted on ECF with a placeholder, the sealed submission shall be sent electronically or hand delivered to all parties and the Court contemporaneously with the documents being posted on ECF.

### Phase II

Within 14 days of a decision on defendant's Motion to Dismiss, and if the case survives the motion, counsel shall meet and confer and submit a proposed schedule for the balance of the case, including Rule 26(a)(1) disclosures, experts, discovery, non-dispositive motion deadline, dispositive motion deadline and trial. If the parties cannot agree on a joint proposed amended pretrial scheduling order, each party shall submit their own amended pretrial scheduling order and a letter, not to exceed three pages (12-point font), indicating why their proposal should be accepted and opposing party's proposal rejected. The Court will then make a determination as to whether to hold a pretrial scheduling conference with counsel for the parties or to issue a schedule governing Phase II based on the written submissions of the parties.

Practice Pointers and Preferences

Please refer to Magistrate Judge Mayeron's Practice Pointers and Preferences which may be found on the Court's website or the Minnesota Federal Bar Association's website.

Dated: April 14, 2015

*s/ Janie S. Mayeron*

JANIE S. MAYERON

United States Magistrate Judge