

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

LOGANTREE LP,

Plaintiff,

vs.

Case No. 17-1217- EFM

GARMIN INTERNATIONAL, INC.,

Defendant.

TRIAL SCHEDULING ORDER

This matter will be called for trial at 9:00 a.m. October 24, 2022. The matter will commence in Courtroom TBD in the Federal Courthouse in Kansas City, Kansas. The case is allotted 5 days for trial.

Following are your trial deadlines. Please note these dates may differ from those on the Pretrial Order issued by the Magistrate Judge.

a) Final witness and exhibit disclosures are to be filed by both parties no later than October 3, 2022. All objections to these disclosures are to be filed no later than October 10, 2022. Copies of exhibits may be used during trial in lieu of originals. All exhibits shall be marked no later than 5 business days before trial.

The parties shall exchange copies of exhibits at or before the time they are marked. The parties shall also prepare lists of their expected exhibits, in the form attached to this order, for use by the courtroom deputy and the court reporter. Three (3) copies of the exhibit list shall be provided to the Court at the beginning of the trial; one for the judge, one for the courtroom deputy, and one for the court reporter. In marking exhibits, the parties shall use preassigned

ranges of numbered exhibits. Exhibit Nos. 1-400 shall be reserved for plaintiff(s); Exhibit Nos. 401-800 shall be reserved for defendant(s); Exhibits 801 and higher shall be reserved for any third party. Each exhibit that the parties expect to offer shall be marked with an exhibit sticker, placed in a three-ring notebook, and tabbed with a numbered tab that corresponds to the exhibit number. The parties shall prepare exhibit books with copies of the exhibits to be provided to the Judge and opposing counsel. The Judge's exhibit book(s) should not be delivered prior to the start of the trial unless directed otherwise. During trial, all exhibits that have been admitted shall remain with the courtroom deputy unless the court directs otherwise.

Parties are expected to use presentation technology available in the courtroom to display evidence to the jury. Counsel shall provide, in electronic format, any exhibits of documents, photographs, videos, and any other evidence that may be reduced to an electronic file **no later than October 18, 2022** for the use of Court personnel and the Court's Jury Evidence Recording System (JERS) during trial. Documents and photographs shall be in .pdf, .jpg, .bmp, .tif, or .gif format; video and audio recordings shall be in .avi, .wmv, .mpg, .mp3, .wma, or .wav format. Each electronic exhibit shall be saved as a separate, independent file and provided to the Court on a storage device, such as a cd, dvd, or flash drive and **should be delivered by the above date to the attention of Yolanda Holman in the Kansas City, Kansas Federal Courthouse Clerk's Office**. Exhibit files shall be named consistent with their order and name on the exhibit list. **Detailed JERS instructions can be found on the undersigned Judge's web page.**

At trial, witnesses who are within the subpoena power of the Court and who are officers, agents, or employees of the parties need not be formally subpoenaed to testify, provided that opposing counsel is given at least 3 business days advance notice of the desired date of trial testimony. For purposes of this entire order, the calculation of "business days" does not include Saturday, Sunday, or any legal holiday as defined by Fed. R. Civ. P. 6(a)(4).

By no later than 5:00 p.m. each day of trial, counsel shall confer and exchange a good faith list of the witnesses who are expected to testify the next day of trial.

b) Motions in Limine are to be filed by both parties no later than October 10, 2022. Responses to the Motions in Limine are to be filed by October 13, 2022. No replies will be filed.

c) Any deposition testimony sought to be offered by a party other than to impeach a testifying witness shall be designated by page and line. Before filing any objections, the parties shall have conferred in good faith to resolve the dispute among themselves. Deposition testimony designations are to be filed by both parties no later than October 3, 2022. Any objections to the designations and counter designations shall be filed no later than October 10, 2022. All objections to counter deposition designations are to be filed by October 12, 2022.

Copies of depositions transcripts for which the parties have not been able to resolve their disputes after conferring in good faith shall be marked with different colored highlighting. Red highlighting shall be used to identify the testimony that plaintiff(s) has designated, blue highlighting shall be used for defendant(s), yellow highlighting shall be used for any third party, and green highlighting shall be used to identify the objections to any designated testimony with objections noted in the margin. An Index of the page numbers in the transcript the objection can be found shall be included. **They are to be hand delivered to the trial judge by October 17, 2022 at 9:00 a.m. in the Wichita, Kansas Federal Courthouse.** Following the Court's ruling on the objections, the parties shall then file the portions of the depositions to be used at trial in accordance with D. Kan. Rule 32.1. Deposition testimony of non-party witnesses should not be designated unless they are not available for appearance, and will not appear, at trial.

d) Proposed Instructions and a proposed Verdict Form, which should be submitted as one jointly agreed upon set if possible, but if not shall be separately submitted with brief explanation and legal authority, shall be (in either case) filed by October 12, 2022, and

objections to any proposed instructions are to be filed by October 17, 2022. **Parties should not submit stock instructions.** The parties are to email a copy of proposed instructions, in either Word or WordPerfect format, to chambers email account for use in preparing the final instructions. **Because the Court will instruct on the law at the beginning of the trial an instructions conference will be held at the same time as the pretrial/limine conference.**

e) If either of the parties chooses to file a trial brief in advance of trial, the Court would appreciate having it by October 17, 2022.

f) If either of the parties choose to submit proposed voir dire questions for the Court, those should be filed by October 17, 2022. The Court will conduct the initial voir dire, but thereafter will allow each party up to 30 minutes apiece for its own voir dire.

A pretrial/limine/jury instructions conference will be held at 10:00 a.m. on October 20, 2022. The location of this conference will be decided at a later date. At that time, the parties should be prepared to argue their motions in limine if asked to do so by the Court and identify any other anticipated evidentiary problems or other issues regarding witnesses or exhibits. All trial counsel are to appear in person.

IT IS SO ORDERED.

Dated this 14th day of September, 2022.



ERIC F. MELGREN
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBITS FOR (plaintiff or defendant)

CASE NO. _____-EFM

No.	Exhibit	ID	OFF	ADM	WITNESS