

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, et al.,

Plaintiffs,

vs.

JEREMY LEE MARCUS, et al.,

Defendants.

ORDER OF CONTINUANCE AND ORDER REVISING PRETRIAL DEADLINES

THIS CAUSE came before the Court upon Joint Motion for Extension of Time (**D.E. 109**), filed on **August 17, 2017**.

THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that for good cause shown, the motion is GRANTED as follows:

(1) **Trial Date** – The trial is **CONTINUED** from the two-week period commencing **March 5, 2018**, to the two-week period commencing **May 14, 2018**, in Miami, Florida.

(2) **Calendar Call** – Counsel must appear at Calendar Call which shall take place before the undersigned at the Wilkie D. Ferguson Federal Courthouse, 400 North Miami Avenue, Courtroom 13-3, Miami, Florida 33128, on **Tuesday, May 8, 2018, at 2:00 p.m.** The parties need not appear at Calendar Call. At Calendar Call counsel may bring all matters relating to the scheduled trial date to the attention of the Court.

(3) **Plaintiffs's Witness and Exhibit Lists** – Plaintiffs shall electronically upload onto the case docket a copy of Plaintiffs's Witness List and a copy of Plaintiffs's Exhibit List no later than **Wednesday, April 25, 2018, at 5:00 p.m.**

(a) **Plaintiffs' Witness List** - Plaintiffs' Witness List shall include all the witnesses, both lay and expert, that Plaintiffs intend to call at trial. Plaintiffs' Witness List shall briefly describe the nature of each witness' testimony and whether such

witnesses will be testifying live or by deposition. Witnesses omitted from the list will not be allowed at trial.

(b) Plaintiffs' Exhibit List - Plaintiffs' Exhibit List shall include the exhibits that Plaintiffs intend to use at trial. Plaintiffs' Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Plaintiffs' Exhibit #1, Plaintiffs' Exhibit #2, *etc.*) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Plaintiffs reserve the use of any other relevant evidence*. Exhibits omitted from the list will not be allowed at trial.

(4) Defendants' Witness and Exhibit Lists – Defendants shall electronically upload onto the case docket a copy of Defendants' Witness List and a copy of Defendants' Exhibit List no later than **Friday, April 27, 2018, at 5:00 p.m.**

(a) Defendants' Witness List - Defendants' Witness List shall include only those additional lay and expert witnesses not included on Plaintiffs' Witness List. Witnesses listed by Plaintiffs will be available for both parties and should not be re-listed on Defendants' Witness List. Defendants's Witness List shall briefly describe the nature of each additional witness' testimony and whether such witnesses will be testifying live or by deposition. Witnesses omitted from Defendants' Witness List and not listed on Plaintiffs's Witness List will not be allowed at trial.

(b) Defendants' Exhibit List - Defendants' Exhibit List shall include only those additional exhibits that Defendants wish to introduce at trial which are not on Plaintiffs' Exhibit List. Defendants's Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Defendants' Exhibit #1, Defendants' Exhibit #2, *etc.*) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Defendants*

reserve the use of any other relevant evidence. Exhibits omitted from Defendants' Exhibit List and not listed on Plaintiffs' Exhibit List will not be allowed at trial.

(5) **Pretrial Stipulation** – Pursuant to Local Rule 16.1.E, the parties shall file a Pretrial Stipulation no later than **Tuesday, May 1, 2018**. The Pretrial Stipulation shall conform to the requirements of Local Rule 16.1.E. The parties shall attach to the Pretrial Stipulation copies of the witness and exhibit lists along with any objections allowed under Local Rule 16.1.E.9.

(6) **Other Pretrial Deadlines**

(a) **Discovery** – All expert and non-expert discovery must be completed by **February 5, 2018**.

(b) **Summary Judgment** – All motions for summary judgment must be filed by **February 19, 2018**.

(c) **Pretrial Motions** – All other pretrial motions shall be filed no later than **March 5, 2018**.

(7) **PREVIOUS SCHEDULING ORDERS** – This Order shall supersede only the inconsistent provisions of previous Scheduling Orders.

DONE AND ORDERED in Chambers at Miami, Florida, this 27 of September 2017.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Serres, Ellen

From: cmecfautosender@flsd.uscourts.gov
Sent: Thursday, September 28, 2017 8:30 AM
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Subject: Activity in Case 0:17-cv-60907-FAM Federal Trade Commission et al v. Marcus et al Scheduling Order

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U.S. District Court

Southern District of Florida

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Case Name: Federal Trade Commission et al v. Marcus et al

Case Number: [0:17-cv-60907-FAM](#)

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Document Number: [126](#)

Docket Text:

AMENDED SCHEDULING ORDER. Bench Trial set for two-week period beginning 5/14/2018 before Judge Federico A. Moreno. Calendar Call set for 5/8/2018 02:00 PM before Judge Federico A. Moreno. Motions terminated: [109] Joint MOTION to Continue *all deadlines by extending dates to accomodate a complex discovery track* re [107] Order Referring Case to Mediation, [106] Scheduling Order,,, [108] SCHEDULING REPORT - Rule 26(f)/16.1 filed by Federal Trade Commi filed by Federal Trade Commission. Signed by Judge Federico A. Moreno on 9/27/2017. (lfs)

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