

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KURYAKYN HOLDINGS, INCORPORATED,

Plaintiff,

v.

JUST IN TIME DISTRIBUTION COMPANY, and
DAVID C. ABBE,

Defendants,

and

DAVID C. ABBE,

Counterclaimant,

v.

KURYAKYN HOLDINGS, INCORPORATED,
MOTORSPORT AFTERMARKET GROUP, INC.,
TOM RUDD, and TOM ELLSWORTH,

Counterclaim Defendants.

ORDER

09-cv-702-wmc

Pursuant to the telephonic status conference held today, the court modifies its March 21, 2013, amended scheduling order (dkt. #144) as follows:

- 1) Counsel for both parties are to appear in person before the court in Madison, WI, to preserve the trial testimony of David C. Abbe at 8:30 a.m., Central Time, on July 9, 2013. At that time, the court will take up defendants' recently-filed motions in limine and then proceed immediately with plaintiff's adverse examination of Mr. Abbe. Accordingly, defendants' counsel should file any reply to the motions in limine *by noon on July 8, 2013*. In addition, defendants shall arrange for Mr. Abbe to be at the San Diego courthouse and ready to proceed with his testimony by 6:30 a.m., Pacific Time.
- 2) In light of plaintiff's intent to take Abbe's testimony adversely in its case-in-chief, plaintiff's counsel is responsible for arranging a videographer in San Diego to

preserve Mr. Abbe's trial testimony, although the court's official reporter will be present in the courtroom here in Madison and will prepare the official transcript.

- 3) By *noon on July 8th*, both sides are to provide the court and the opposing party with copies of all exhibits they wish to move into evidence *and* insure that Mr. Abbe will have copies of those exhibits in San Diego by July 9th. Counsel shall also insure that the court and Mr. Abbe has access on July 9th to any other materials the parties may wish to use for purposes of impeachment, clarification, refreshing memories, or other permitted use under the Federal Rules of Evidence. The court's earlier order requiring plaintiff to provide the court and defendant with a copy of the transcript from Abbe's deposition testimony, along with all deposition exhibits, no later than *one week before Mr. Abbe's trial deposition* (in other words, by July 2, 2013) remains in place.
- 4) *Both* sides are strongly encouraged to prepare and exchange well in advance any summary exhibits they may wish to introduce pursuant to Fed. R. Evid. 1006, particularly with respect to anticipated testimony on damages, as well as to cooperate fully to streamline Mr. Abbe's testimony as much as possible consistent with Fed. R. Civ. P. 1.
- 5) **Finally, should Mr. Abbe's testimony not be completed by 1:00 p.m., Central Time, on July 9th, the witness, videographer and counsel shall be available to complete his testimony in a similar manner beginning at 9:00 a.m., Central Time, July 10, 2013 to 1:00 p.m., Central Time.**

Entered this 20th day of June, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge