

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

CERABIO, LLC and PHILLIPS
PLASTICS CORPORATION,

Plaintiffs,

FINAL PRETRIAL
CONFERENCE ORDER

03-C-092-C

v.

WRIGHT MEDICAL TECHNOLOGY,
INC.,

Defendant.

A final pretrial conference was held in this case on May 4, 2006, before United States District Judge Barbara B. Crabb. Brian Cothroll and Robert Binder represented plaintiffs. Matthew Taylor, Dana Ash and Michael Cohen were present on behalf of defendant.

Counsel estimate that the case will take 4-5 days. There will be eight jurors selected from a qualified panel of fourteen, with each side exercising three strikes. Counsel do not request a sequestration order. They are aware that the trial day will last from 9:00 a.m. to 5:30 p.m. with an hour for lunch and two fifteen minute breaks during the day.

Counsel agreed that they will advise each other of the witnesses they intend to call on the succeeding day and the order in which the witnesses will be called.

After hearing argument, I am allowing defendant to put in evidence of pre-contract admissions by plaintiff about the critical ingredient needed to make the bone filler.

Counsel discussed the instructions. The parties dispute the need for separate questions on whether the parties entered into an enforceable oral modification of the original asset purchase agreement. In addition, defendant would like the questions broken down to identify the actions that the jury finds were in breach of the contract.

Entered this 5th day of May, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge