

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

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UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

05-CR-130-C

STEPHEN B. BINNING and  
TIMOTHY A. DOBSON,

Defendants.

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At the October 4, 2005 arraignment for defendant Timothy Dobson, this court set the following schedule, subject to review by defendant Stephen Binning and his attorney:

1) The government already has provided its required disclosures and has a continuing disclosure obligation throughout this case. Pursuant to Rule 12, the government has proffered that it intends to use all disclosed evidence in its case-in-chief at trial.

2) Defendants must file and serve any pretrial motions and discovery requests not later than November 17, 2005. Briefs need not accompany the motions. If a defendant wants an evidentiary hearing on a motion, then he must ask for it in the caption of each such motion and must provide a nonconjectural factual basis establishing a prima facie entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7<sup>th</sup> Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be November 22, 2005, at 10:00 a.m. The court will rule on each motion or set it for briefing in consultation with the parties. Unless the court is taking evidence on a dispositive motion, a defendant may waive his presence at the preliminary pretrial conference.

4) Submissions for the final pretrial conference, namely proposed voir dire questions, jury instructions and motions *in limine* must be filed and served not later than January 26, 2006.

5) The final pretrial conference shall be January 30, 2006, at 10:00 a.m. A defendant may waive his presence at the final pretrial conference.

6) The final hearing before the trial judge shall be February 2, 2006, at 3:00 p.m. The defendants and trial counsel must attend this hearing.

7) Jury selection and trial shall begin at 9:00 a.m. on February 6, 2006. The predicted trial length is one day. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 4th day of October, 2005.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge