

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

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

08-cr-138-bbc

BRENT DELZER and
JACOB STADFELD,

Defendants.

At the September 18, 2008 arraignment, this court set the following schedule:

1) The government has already 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 noon, December 10, 2008. 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 (7th Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be held on December 16 and December 17, 2008, beginning at 9:00 a.m. each day. 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, 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 February 11, 2009.

5) The final pretrial conference shall be February 13, 2009 at 10:30 a.m. A defendant may waive his presence at the final pretrial conference.

6) The final hearing before the trial judge shall be February 19, 2009 at 3:00 p.m. The defendant and trial counsel must attend this hearing.

7) Jury selection and trial shall begin February 23, 2009 at 9:00 a.m. The predicted trial length is one week. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 18th day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge