

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID J. CURBY,

Defendant.

SCHEDULING ORDER

08-cr-173-bbc

At the December 4, 2008 arraignment, this court set the following schedule:

1) The government must provide its required disclosures not later than December 11, 2008, with 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) Defendant must file and serve any pretrial motions and discovery requests not later than noon, February 2, 2009. Briefs need not accompany the motions. If 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 February 5, 2009 at 1:00 p.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, 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 March 18, 2009.

5) The final pretrial conference shall be March 20, 2009 at 1:30 p.m. Defendant may waive his presence at the final pretrial conference.

6) The final hearing before the trial judge shall be announced. The defendant and trial counsel must attend this hearing.

7) Jury selection and trial shall begin March 30, 2009 at 9:00 a.m. The predicted trial length is two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 4th day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge