

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

Civil No. 09-5151

NAMEMEDIA, INC.; NETWORK  
SOLUTIONS, INC.; and  
GOOGLE, INC.

DEFENDANTS

**FINAL SCHEDULING ORDER**

This case is set for **jury trial** in Fayetteville, Arkansas, at the call of the Court during the week of **July 11, 2011**. Counsel and unrepresented parties are directed to confirm the specific trial date by telephone a week before trial, and report to the Judge's chambers at 8:30 a.m. on the date of trial unless otherwise notified.

The following schedule will govern this case, and the parties may not amend or deviate from it without leave of Court:

**1. Discovery:**

(a) Discovery must be completed no later than **March 11, 2011**.

(b) Except in extraordinary circumstances, problems with discovery which are not brought to the Court's attention in time for the opponent to make a proper response and the Court to make an informed ruling before the close of discovery will be deemed waived.

**2. Motions:**

(a) Motions to amend pleadings or join new parties must be filed no later than 60 days before the close of discovery.

(b) Motions in limine and Daubert motions must be filed no later than 28 days before the trial date.

(c) Responses to motions must be filed no later than 14 days from the file date of any motion, and replies, if any, no later than 7 days of the file date of any response.

3. Jury Trials:

(a) Pre-trial disclosures must be filed no later than 21 days before trial, and should follow the outline contained in Local Rule 26.2.

(b) Witnesses and exhibits not timely disclosed may not be used at trial except in extraordinary circumstances.

(c) Proposed jury instructions must be exchanged by the parties and submitted to the Court at redacted@arwd.uscourts.gov no later than 14 days before trial. Each instruction should be accompanied by a citation to supporting authority. "Boilerplate" instructions need not be submitted.

(d) Objections to jury instructions must be exchanged by the parties and submitted to the Court no later than 7 days before trial.

(e) Parties are expected to exchange exhibits prior to trial, and to ensure that all other parties have copies of those exhibits.

(f) Parties are expected to come to trial with all exhibits properly identified, and with both witnesses and exhibits listed on the form found at www.arwd.uscourts.gov, under "Online Forms," "Case Management."

4. Bench Trials:

(a) Pre-trial disclosures must be filed no later than 21 days before trial, and should follow the outline contained in Local Rule 26.2.

(b) Witnesses and exhibits not timely disclosed may not be used at trial except in extraordinary circumstances.

(c) Proposed findings of fact and conclusions of law must be exchanged by the parties and submitted to the Court at redacted@arwd.uscourts.gov no later than 14 days before trial.

(d) Parties are expected to exchange exhibits prior to trial, and to ensure that all other parties have copies of those exhibits.

(e) Parties are expected to come to trial with all exhibits properly identified, and with both witnesses and exhibits listed on the form found at www.arwd.uscourts.gov, under "Online Forms,"

"Case Management."

5. Expert Witnesses:

(a) All parties must make initial expert witness disclosures no later than 90 days before the close of discovery.

(b) Rebuttal expert witness disclosures must be made no later than 45 days before the close of discovery.

(c) Depositions of expert witnesses must be completed within the time allowed for discovery.

6. Continuances:

No continuances will be granted except for good cause shown. That a party does not have time to depose a witness, to complete discovery, or otherwise prepare for trial will not normally be considered good cause.

7. Trial Length:

If any party anticipates that the trial will take more than 3 days, the Court should be immediately notified by sending an e-mail to redacted@arwd.uscourts.gov.

8. Settlement:

(a) If settlement occurs, the Court should be advised immediately by telephoning Gail Garner, Courtroom Deputy, at 479-444-7876 (Fayetteville).

(b) A case reportedly settled will not be removed from the trial calendar until the Court has signed and filed an order of dismissal.

(c) The Court has authorized the United States Magistrate Judges for the Western District of Arkansas to conduct settlement conferences in selected cases. The parties will be notified of the date of settlement conference by the Magistrate Judge, or may request the scheduling of a settlement conference if no such notice has been received.

IT IS SO ORDERED , this 27th day of October, 2010.

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE