

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

V. : CIVIL ACTION NO. WMN-05-1297

JOHN BAPTIST KOTMAIR, JR. and :
SAVE-A-PATRIOT FELLOWSHIP :

AMENDED SCHEDULING ORDER

1. Briefing Schedule for Summary Judgment Motions: To clarify and elaborate on the briefing schedule discussed in today's telephone conference regarding the anticipated cross-motions for summary judgment, the following schedule shall be followed:

Defendant's Motion for Summary Judgment	May 31, 2006
Plaintiff's Motion for Summary Judgment and Opposition to Defendant's Motion	June 19, 2006
Defendant's Reply in Support of its Motion and Opposition to Plaintiff's Motion	July 7, 2006
Plaintiff's Reply in Support of its Motion	July 21, 2006

2. The pretrial conference shall be held by telephone on August 31, 2006 at 9:30 a.m. Call to be initiated by counsel for the government.

3. The 2 day non-jury trial shall commence on September 11, 2006 at 10:00 a.m.

4. Counsel for the parties shall mark their documentary or physical evidence numerically in advance of trial, and shall provide a list containing a brief description of each item so marked. [See attached instructions]. Counsel for the plaintiff shall e-file said list with the Court, and shall serve a copy on defendant's counsel not later than August 24, 2006. Counsel for the defendant shall e-file said list with the Court, and shall serve a copy on plaintiff's counsel, not later than August 31, 2006.

6. If counsel for the parties so desire, they may file trial memoranda. Such memoranda shall be e-filed with the Court not later than August 31, 2006.

7. The Clerk of Court shall e-mail copies of this Amended Scheduling Order and attachments to counsel in this case.

 /s/
William M. Nickerson
Senior United States District Judge

Dated: 3/22/06

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Instructions for Preparation of Exhibits and De Bene Esse Depositions for Use at Trial

Premarking Exhibits (106.7A)

1. Counsel are to premark all exhibits that may be introduced at trial and be prepared to submit to the Clerk, the Court, and opposing counsel, at least one business day prior to the scheduled trial date, two copies of an exhibit list. Unless counsel so desire, it is not necessary to provide a copy of the exhibits to opposing counsel or to the judge. All exhibits are to be marked with the tags enclosed and shall be retained by counsel until they are presented at trial.
2. It is desirable that the admissibility of as many exhibits as possible be stipulated so that these exhibits may be admitted into evidence at the beginning of trial. Those exhibits so stipulated should receive the first exhibit numbers.
3. Per L.R. 107.5.b, unless otherwise ordered by the Court or counsel requests that a particular exhibit be marked for identification only, whenever an exhibit number is first mentioned by counsel during the examination of a witness at trial, the exhibit shall be deemed to be admitted into evidence unless opposing counsel asserts an objection.
4. Exhibit tags for numbering and attaching to the exhibits are enclosed. A tag should be stapled to the upper left corner of the exhibit. The number of the tag should correspond to the number of the exhibit described on the exhibit list. If the document to be marked is small and could possibly be lost or misplaced because of its size, it is requested that you staple the document to a larger sheet of paper and affix the tag to same. Also, if the documents are small and numerous they may be grouped, given the same exhibit number and placed in a large letter size envelope. For tags on groups of photographs or checks, please affix a separate tag on each photograph/check and number as follows: 1-A, 1-B, etc. Insert the full case number on the sheet of tags and, if there is more than one party or more than one case being tried simultaneously, please insert the name of the one party you represent or all case numbers on each tag before copying. Please copy appropriate number of tags needed and cut them so they may be attached to the exhibits.
5. When numbering exhibits, the following colors of ink should be used to write the exhibit number on the tags to designate parties:

Plaintiff/Government - Red
Defendant - Blue
6. Leave the "**Admitted**" and "**Identified**" areas blank on the exhibit list and tags.
7. Give a brief description of each exhibit on the exhibit list. The list should be typewritten and double-spaced.
8. De Bene Esse Deposition - 106.2k. If a party desires to introduce into evidence at trial portions of a deposition in lieu of live testimony, the agreed portions and objected portions designated by page and line shall be listed in the proposed Pretrial Order.
9. Disposition of Exhibits - 107.5d.i. Counsel are requested to read Local Rule 107.5d.i and acquaint themselves with the procedure for disposition of all trial exhibits at the conclusion of the case.

PLAINTIFF'S EXHIBIT NO. _____
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