

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JEFFREY EPSTEIN and L.S.J., LLC.,)	CIVIL NO. ST-10-CV-443
)	
Plaintiffs,)	
)	
v.)	ACTION FOR DAMAGES
)	
FANCELLI PANELING, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	

ORDER SCHEDULING RULE 16 CONFERENCE

IT IS HEREBY ORDERED that,

1. **Scheduling Conference:** A Scheduling Conference pursuant to Fed. R. Civ. P. 16 is set for **Tuesday, June 7, 2011, at 10:15 a.m.** in the Chambers of the undersigned. At the scheduling conference, counsel will be expected to discuss in detail all matters covered by Rule 16, Fed. R. Civ. P., as well as all matters set forth in their joint proposed scheduling plan described in paragraph 3, and a firm and realistic trial setting will be established at or shortly after the conference.

2. **Meeting of Counsel:** Prior to the date for submission of the joint proposed scheduling plan set forth in paragraph 3 below, counsel for the parties shall meet pursuant to Rule 26(f) of the Federal Rules of Civil Procedure ("Rule 26(f) Meeting") to develop a scheduling plan. Counsel will be asked to report orally on the matters discussed at this meeting when they appear before the undersigned for the scheduling conference, and will specifically be asked to report on the potential for settlement; whether settlement demands or offers have been exchanged, without revealing the content of any offers or demands; and, suitability for mediation. This meeting is expected to result in the parties reaching agreement on the form and content of a joint proposed scheduling plan as described in paragraph 3 below.

The scheduling plan must be signed by counsel for all parties, and it will be the responsibility of counsel for the plaintiff to actually submit the joint proposed scheduling plan to the Court. If the parties cannot agree as to any matter required to be contained in the joint plan, the disagreement must be set out clearly in the joint proposal, and the Court will resolve the dispute at or shortly after the scheduling conference.

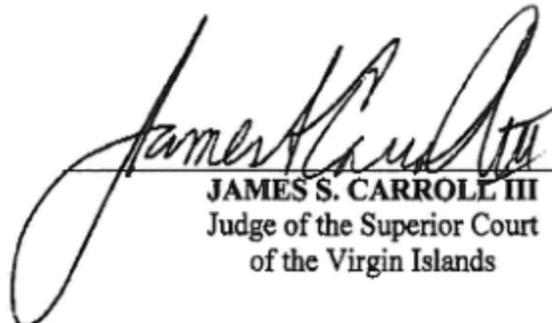
3. **Joint Proposed Scheduling Plan:** No later than **Tuesday, May 31, 2011,** counsel shall file with the Clerk of the Court a joint proposed scheduling plan. **The parties' joint proposed scheduling plan shall include:**

- (A) the nature and bases of the parties' claims and defenses.
- (B) dates for joinder of additional parties or amendment of pleadings;
- (C) a discovery plan including:
 - (I) a date or dates by which the parties will disclose information and exchange documents pursuant to Rule 26(a)(1), Fed. R. Civ. P.,
 - (II) date or dates for close of general non-expert factual discovery
 - (III) dates by which each party shall disclose its expert witnesses' identities and reports, and dates by which expert witness depositions should be conducted,
 - (IV) a date by which all discovery will be completed;
 - (V) any other matters pertinent to the completion of discovery in this case,
- (D) the parties' positions concerning the referral of the action to mediation or early neutral evaluation, and when such a referral would be most productive;
- (E) dates for the filing of any dispositive motions, responses thereto, and replies in support of such dispositive motions;
- (F) an estimate of the length of time expected to try the case to verdict; and
- (G) any other matters counsel deem appropriate for inclusion in the Joint Scheduling Plan.

4. **Entry of Scheduling Order by the Court**

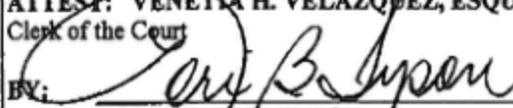
Based upon the scheduling plan of the parties, the Court will issue a scheduling order. The scheduling order shall issue as soon as practicable, and shall not be modified except upon a showing of good cause, and by leave of the Court.

DATED: May 16, 2011



JAMES S. CARROLL III
Judge of the Superior Court
of the Virgin Islands

ATTEST: VENETIA H. VELAZQUEZ, ESQUIRE
Clerk of the Court

BY: 
LORI BOYNES-TYSON
Court Clerk Supervisor 5/17/11