

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 9:19-cv-80633-ROSENBERG

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NATURAL DIAMONDS INVESTMENT CO., ET AL.

SCHEDULING ORDER AND ORDER REFERRING CASE TO MEDIATION

Pursuant to the Court's Order Setting Trial and Order of Requirements, the Court has considered the parties' Joint Scheduling Report, DE 85. The Court hereby **ORDERS** that **discovery shall begin immediately**. The Court also orders the following:

I. PRETRIAL DEADLINES

The pretrial deadlines in this case, which shall not be modified absent compelling circumstances, are as follows:

August 5, 2019: Rule 26(a)(1)(A) Initial Disclosures (if not provided earlier).

August 5, 2019: Deadline to designate a mediator and to schedule a time, date, and place for mediation. The Court must be notified of the date of mediation.

September 6, 2019: Deadline for joinder of additional parties, and amended pleadings.

February 28, 2020: The parties shall provide opposing counsel with a written list with the names and addresses of all primary/initial expert witnesses intended to be called at trial and only those primary/initial expert witnesses listed shall be permitted to testify. The parties shall also furnish opposing counsel with expert reports or summaries of its expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2).¹ Within the 30 day period following this disclosure, the parties shall make their experts available for deposition. The experts' deposition may be conducted without further Court order.

March 9, 2020: Deadline for motions to certify a class.

¹ Nothing in this Order shall modify the requirements of the Federal Rules with respect to when an expert summary report may be produced in lieu of a full, written expert report; a party may produce a summary expert report only when the Federal Rules so permit.

March 30, 2020: The parties shall provide opposing counsel with a written list with the names and addresses of all rebuttal/responsive expert witnesses intended to be called at trial and only those rebuttal/responsive expert witnesses listed shall be permitted to testify. The parties shall also furnish opposing counsel with expert reports or summaries of its expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2). Within the 30 day period following this disclosure, the parties shall make their experts available for deposition. The experts' deposition may be conducted without further Court order.

Note: The above provisions pertaining to expert witnesses do not apply to treating physicians, psychologists or other health providers.

April 30, 2020: All discovery shall be completed.

May 29, 2020: All Pretrial Motions, including summary judgment motions, *Daubert* motions, and motions *in limine* shall be filed. See Order Setting Trial and Order of Requirements, sections 11-12.

June 30, 2020: Mediation must be completed.

July 31, 2020: Joint Pretrial Stipulation shall be filed. Designations of deposition testimony shall be filed. Parties shall also exchange Rule 26(a)(3) witness and exhibit lists.

August 6, 2020: Counter-designations of deposition testimony and objections to designations of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.

August 11, 2020: Objections to counter-designations of deposition testimony and responses to objections to designations of deposition testimony shall be filed.

August 24, 2020: Jury Instructions or Proposed Findings of Fact and Conclusions of Law shall be filed.

II. MEDIATION

Pursuant to Local Rule 16.2, this case is referred to mediation as follows:

- a. Mediation shall be completed by the above stated deadline for completing mediation;
- b. The parties shall—within the above stated deadline to designate a mediator and to schedule a time, date, and place for mediation—agree upon a mediator and file a Notice with the Court naming the chosen mediator and stating the date, time, and location for which mediation has been scheduled. If the parties are unable to agree upon mediator, they shall ask the Clerk of Court to designate a mediator from the list of certified mediators on a blind random basis;

- c. Counsel for Plaintiff shall be responsible for coordinating a mediation date, time, and location agreeable to the mediator and all counsel of record;
- d. **Within one (1) day** of the mediation conference, the mediator shall file a Mediation Report indicating who attended the mediation and the result thereof; and
- e. The parties shall refer to the Court's Order Setting Status Conference, Calendar Call, and Trial Date for instructions on how to proceed after settlement.

DONE AND ORDERED in Chambers in West Palm Beach, Florida this 3rd day of July, 2019.


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

Copies furnished to: All counsel of record via CM/ECF