

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-CIV-KING

EMMA YAIZA DIAZ; AMERICAN  
FEDERATION OF LABOR AND  
CONGRESS  
OF INDUSTRIAL ORGANIZATIONS;  
AMERICAN FEDERAL OF STATE,  
COUNTY  
AND LOCAL EMPLOYEES, AFL-CIO;  
FLORIDA PUBLIC EMPLOYEES  
COUNCIL  
79, AFSCME, AFL-CIO; AND  
SERVICE EMPLOYEES  
INTERNATIONAL UNION, AFL-CIO,

Plaintiffs,

v.

SUE M. COBB, Secretary of State of  
Florida;  
BRENDA SNIPES, Broward County  
Supervisor of  
Elections; JERRY HOLLAND, Duval  
County Supervisor  
of Electio0ns; LESTER SOLA, Miami-  
Dade  
Supervisor of Elections; BILL COWLES,  
Orange County  
Supervisor of Elections; and ARTHUR  
ANDERSON, Palm  
Beach County Supervisor of Elections,

Defendants.

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IT IS ORDERED and ADJUDGED that this case is hereby set for **trial** on the trial  
calendar commencing **January 22, 2008**, at **9:00 a.m.**, at the James Lawrence

**ORDER SETTING**  
**TRIAL: JANUARY 22, 2008**  
**PRE-TRIAL: DECEMBER 7, 2007**  
**DISCOVERY DEADLINE: OCTOBER 3, 2007**  
**& MOTION DEADLINE: OCTOBER 8, 2007**

King Federal Justice Building, 99 N.E. 4th Street, Eleventh Floor, Courtroom #2, Miami, Florida.

### CALENDAR CALL

In order to make sure that cases set on this calendar are completely ready for trial and that all matters which might be a cause of delay of the trial have been ruled upon, the court hereby schedules a **calendar call** for **January 17, 2008**, at **2:00 p.m.**, at the James Lawrence King Federal Justice Building, 99 N.E. 4th Street, Eleventh Floor, Courtroom #2, Miami, Florida. All Defendants, whether in pre-trial custody or released on bond, must be present for this calendar call.

Under existing policies and agreements between the state and federal courts of Florida, the judge who enters the first written order scheduling a case for trial on a date set, has priority over the service of the attorney so scheduled for the date set. See Krasnow v. Navarro, 909 F. 2d 451 (11th Cir. 1990).

It shall be the duty of the attorneys herein set to ensure that no other judge schedules them for a trial that impacts upon or conflicts with the date set forth above. If any counsel receives a written notice of a trial from another judge, in either state or federal court, that in any way conflicts with this trial scheduled setting, it is the obligation of that attorney to notify that judge immediately so that the judge may reschedule his or her calendar, thus leaving counsel conflict free for this case.

Any private agreement, suggested or proposed Rule 16 scheduling conference

agreements between counsel, Rule 16 scheduling order or orders of the court attempting to set dates or deadlines contrary to this order are hereby stricken and declared void.

The above-styled cause is hereby set for **final pre-trial conference on December 7, 2007, at 10:15 a.m.**, at the James Lawrence King Federal Justice Building, 99 N.E. 4th Street, Eleventh Floor, Courtroom #2, Miami, Florida.

**DISCOVERY AND MOTION PRACTICE DEADLINES**

Pursuant to So. D. Fla. Rule 16.1, the parties shall abide by the following time schedule under penalty of dismissal or other sanctions:

**OCTOBER 3, 2007: DEADLINE FOR CONDUCTING DISCOVERY.** No discovery will be permitted after this date, in order that the parties and the court have all facts of record prior to the deadline for filing motions and at pre-trial conference.

**OCTOBER 8, 2007: DEADLINE FOR FILING ALL MOTIONS.** Pleading practice ends on this date except for a response by opposing party and reply to response by moving party. All motions, including motions in limine, shall be filed prior to this date. Motions for extension of time for replies and responses will not be granted for the reason that all unresolved motions will be considered and ruled upon at the pre-trial conference.

**TEN days prior to PTC:** One attorney from each party having authority to enter into stipulations and make admissions, shall meet to prepare and file the final pre-trial stipulation.

The attorneys must stipulate to a "Statement of the Case," as required by the local rules of court. It will be unacceptable, and the pre-trial stipulation is subject to rejection by the court for the attorneys to draft separate Statements of the Case (i.e.,

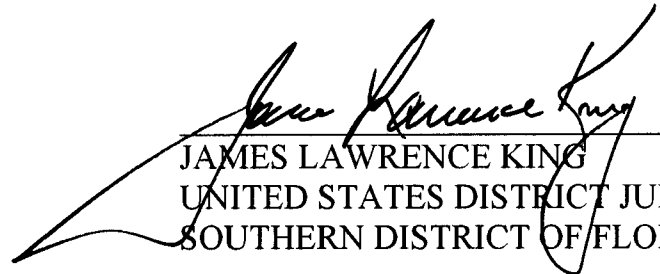
one for the plaintiff, one for the defendant). A unilateral statement of the case by one party is not a stipulation of facts as contemplated by the Rules. This is not the place for counsel to make opening statements or closing arguments for their clients. It is a joint stipulation of what the case is about.

**NOVEMBER 30, 2007: DEADLINE FOR FILING PRE-TRIAL STIPULATION.** The pre-trial stipulation must be filed with the Clerk of Court (night box filing is not acceptable). A courtesy copy of the pre-trial stipulation shall be provided to chambers and chambers notified at (305) 523-5105 of any settlement between the parties by 4:30 p.m. on this date.

**PRE-TRIAL CONFERENCE:** The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented party. If there are any unresolved pending motions, counsel must be fully prepared to present argument to the court and may expect the court to rule on said motions at the final pre-trial conference. It is the purpose of the court in setting this schedule to have all issues resolved, with nothing for the attorneys to do between final pre-trial conference and trial, except to summon and prepare their witness for trial. It eliminates last-minute motion and discovery practice requiring lawyers to frantically respond to notices of deposition and motions.

This order, establishing the deadlines for completion of motion practice, discovery, and filing of Pretrial Stipulation shall be strictly followed by counsel, notwithstanding any Local Rule of Court or private agreement between counsel, any filed (or unfiled) proposed Local Rule 16 scheduling deadlines or any other order of the court by other Judges.

DONE and ORDERED in chambers at the United States Courthouse, Key West,  
Florida, dated this 5th day of March, 2007.



JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: **SERVICE LIST**

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