

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

B2B CFO Partners, LLC, B2B CFO, LLC,  
Jerry Mills, Christine Mills,  
  
Plaintiff(s),  
  
v.  
  
Kenneth Kaufman, Kaufman Enterprise  
Solutions, LLC, CFO Wise, Inc., The CFO  
Wise Promis, LLC,  
  
Defendant(s).

CV-09-2158-PHX-JAT

**ORDER SETTING FINAL PRETRIAL  
CONFERENCE**

**IT IS ORDERED** setting trial to begin Tuesday, May 15, 2012 at 9:00 a.m.

**IT IS FURTHER ORDERED** setting a Final Pretrial Conference in this case for Monday, May 7, 2012 at 11:00 a.m.

**IT IS FURTHER ORDERED** that the attorneys (or pro se parties) who will be responsible for the trial of the case shall attend the Final Pretrial Conference (to be held at 401 W. Washington Street, Phoenix, Arizona, Courtroom 503).

**IT IS FURTHER ORDERED** that the attorneys (or pro se parties) who will be responsible for the trial of the case shall:

- (1) Prepare and sign a joint Proposed Final Pretrial Order and lodge it with the Court (by electronically filing a notice of lodging with the joint Proposed Final Pretrial Order attached) by **April 9, 2012.**
- (2) In addition to lodging a copy of the joint Proposed Final Pretrial Order, the parties

1 shall also submit a copy of the **joint** Proposed Final Pretrial Order in a WordPerfect® 9.0  
2 compatible format to the chambers' e-mail address.<sup>1</sup>

3 (3) Finally, the parties shall also submit a paper copy of the **joint Proposed Final Pretrial**  
4 **Order** to chambers within 5 days of filing (as indicated below, all paper copies shall be three-  
5 hole punched on the left side of the document).

6 **IT IS FURTHER ORDERED** that the content of the **joint** Proposed Final Pretrial  
7 Order shall include, but not be limited to, the content prescribed in the Proposed Final  
8 Pretrial Form of Order attached hereto.

9 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure  
10 37(c), the Court will not allow the parties to offer an exhibit, a witness, or other information  
11 that was not: (1) disclosed in accordance with the provisions of this Order; (2) disclosed in  
12 accordance with the provisions of the Federal Rules of Civil Procedure; **and** (3) listed in the  
13 **joint** Proposed Final Pretrial Order; unless the offering party can show good cause as to why  
14 such party failed to comply with these requirements.

15 **IT IS FURTHER ORDERED** that the parties shall exchange drafts of the **joint**  
16 Proposed Final Pretrial Order **no later than fourteen (14) days before the submission**  
17 **deadline.**

18 **IT IS FURTHER ORDERED** that:

19 (1) the parties shall number exhibits as provided in Attachment #2 ("Exhibits - Marking,  
20 Listing and Custody"), and such numbers shall correspond to the numbers of exhibits listed  
21 in the **joint** Proposed Final Pretrial Order;

22 (2) **no later than fourteen (14) days before the submission deadline for the joint**  
23 **Proposed Final Pretrial Order,** the parties shall meet in person and exchange marked  
24 copies of all exhibits to be used at trial; any exhibit not marked and exchanged at this  
25

26  
27 <sup>1</sup> Teilborg\_chambers@azd.uscourts.gov  
28

1 meeting shall be precluded at trial;<sup>2</sup> and

2 (3) while meeting to exchange exhibits, the parties shall eliminate any duplicate exhibits.<sup>3</sup>

3 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties  
4 shall file and serve all motions in limine (not to exceed five pages each) no later than **March**  
5 **26, 2012**. Each motion in limine shall include the legal basis supporting it. Responses to  
6 motions in limine (not to exceed five pages each) are due **April 12, 2012**. **No replies will**  
7 **be permitted**. The attorneys for all parties (or any pro se parties) shall come to the Final  
8 Pretrial Conference prepared to address the merits of all such motions.

9 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties  
10 shall complete the following tasks by the time of the lodging of the joint Proposed Final  
11 Pretrial Order:

12 (1) The parties shall file in a separate pleading a **stipulated-to** description of the case  
13 to be read to the jury;

14 (2) For purposes of voir dire, the parties shall provide a **joint** master list of the name  
15 of every witness who may be called at trial;

16 (3) The parties shall file in a **joint separate** pleading a proposed set of voir dire  
17 questions. The voir dire questions shall be drafted in a neutral manner. To the extent  
18 possible, the parties shall **stipulate to** the proposed voir dire questions. If the parties have  
19 any disagreement about a particular question, the party or parties objecting shall state the  
20 reason for their objection below the question.

21 (4) The parties shall file in a **joint separate** pleading a proposed set of jury  
22  
23

---

24  
25 <sup>2</sup> If there is any dispute as to the location of this meeting, it shall occur in this Court's  
26 jury room.

27 <sup>3</sup> The exhibits do not need to be delivered to court at the final pretrial conference.  
28 They should be marked and given to the courtroom deputy by the morning trial begins.

1 instructions.<sup>4</sup>

2 (5) Each party shall file in a separate pleading a form of verdict to be given to the  
3 jury at the end of the trial.

4 **IT IS FURTHER ORDERED** that, if the case will be tried to a jury, in addition to  
5 filing with the Clerk of the Court, the parties shall also submit their **joint** proposed voir dire  
6 questions, **stipulated-to** statement of the case, **joint** proposed jury instructions, and **separate**  
7 forms of verdict in a WordPerfect® 9.0 compatible format to the chambers' e-mail address.

8 **IT IS FURTHER ORDERED** that, if the case will be tried to the Court, each party  
9 shall file, in addition to the **joint** Proposed Final Pretrial Order, proposed findings of fact and  
10 conclusions of law, by the same date the **joint** Proposed Final Pretrial Order is due. These  
11 proposed findings of fact and conclusions of law shall also be submitted in both written copy  
12 and in a WordPerfect® 9.0 compatible format to the chambers' e-mail address.

13 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed of the  
14 possibility of settlement and, should settlement be reached, the parties shall promptly present  
15 a Stipulation and Order of Dismissal for signature by the undersigned. Mere Notice of  
16 Settlement or notification by phone or e-mail of settlement shall not suffice to vacate the trial  
17 date, nor excuse the parties from being ready and able to proceed with trial at the time and  
18 on the date set for trial.

19 **IT IS FURTHER ORDERED** that the Court's paper copy of every document  
20 required by this Order shall be **three-hole punched** on the left side of the document.

21 DATED this 15th day of December, 2011.

22  
23  
24   
25 James A. Teilborg  
26 United States District Judge

27 <sup>4</sup> See Attachment #1