

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 04-60573-CIV-MORENO

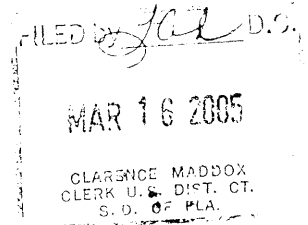
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

vs.

MUTUAL BENEFITS CORP., JOEL STEINGER
a/k/a JOEL STEINER, LESLIE STEINGER a/k/a
LESLIE STEINER, and PETER LOMBARDI,
VIATICAL BENEFACTORS, LLC, VIATICAL
SERVICES, INC., KENSINGTON
MANAGEMENT, INC., RAINY CONSULTING
CORP., TWIN GROVES INVESTMENTS, INC.,
P.J.L. CONSULTING, INC., SKS
CONSULTING, INC., and CAMDEN
CONSULTING, INC.,

Defendants.



SCHEDULING ORDER SETTING TRIAL

Pursuant to Fed. R. Civ. P. 40 and S.D. Fla. L. R. 40.1, this action is at issue. It is therefore

ADJUDGED that:

(1) **TRIAL DATE** - This case is set for trial during the two-week period commencing **October 31, 2005**, in Miami, Florida

(2) **CALENDAR CALL** - Counsel must appear at Calendar Call which shall take place before the undersigned at the United States Courthouse, Federal Justice Building, Courtroom IV, Tenth Floor, 99 Northeast 4th Street, Miami, Florida 33132, on **Tuesday, October 25, 2005, at 2:00 P.M.** The parties need not appear at Calendar Call. At Calendar Call counsel may bring all matters

relating to the scheduled trial date to the attention of the Court. Counsel also shall be prepared to address all pending motions.

(3) **PRETRIAL CONFERENCE** - The Pretrial Conference allowed for under Fed. R. Civ. P. 16(a) and required by S.D. Fla. L.R. 16.1.C., shall take place immediately following Calendar Call only if requested by the parties in advance. If the parties do not request a pretrial conference in advance of Calendar Call then no pretrial conference will be held.

(4) **PLAINTIFFS' WITNESS AND EXHIBIT LISTS** - Plaintiffs shall provide Defendants, by either fax or hand delivery, a copy of Plaintiffs' Witness List and a copy of Plaintiffs' Exhibit List no later than **September 30, 2005, at 5:00 P.M.**

(a) **PLAINTIFFS' WITNESS LIST** - Plaintiffs' Witness List shall include all the witnesses, both lay and expert, that Plaintiffs intend to call at trial. Plaintiffs' Witness List shall briefly describe the nature of each witness's testimony and whether such witness will be testifying live or by deposition. Witnesses omitted from the list will not be allowed at trial.

(b) **PLAINTIFFS' EXHIBIT LIST** - Plaintiffs' Exhibit List shall include all the exhibits that Plaintiffs intend to use at trial. Plaintiffs' Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Plaintiffs' Exhibit #1, P.E. #2, P.E. #3...) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Plaintiffs reserve the use of any other relevant evidence*. Exhibits omitted from the list will not be allowed

at trial.

(5) **DEFENDANTS' WITNESS AND EXHIBIT LISTS** - Defendants shall provide Plaintiffs, by either fax or hand delivery, a copy of Defendants' Witness List and a copy of Defendants' Exhibit List no later than **October 12, 2005, at 5:00 P.M.**

(a) **DEFENDANTS' WITNESS LIST** - Defendants' Witness List shall include only those additional lay and expert witnesses not included on Plaintiffs' Witness List. Witnesses listed by Plaintiffs will be available for both parties and should not be re-listed on Defendants' Witness List. Defendants' Witness List shall briefly describe the nature of each additional witness's testimony and whether such witnesses will be testifying live or by deposition. Witnesses omitted from Defendants' Witness List and not listed on Plaintiffs' Witness List will not be allowed at trial.

(b) **DEFENDANTS' EXHIBIT LIST** - Defendants' Exhibit List shall include only those additional exhibits that Defendants wish to introduce at trial which are not on Plaintiffs' Exhibit List. Defendants' Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Defendants' Exhibit #1, D.E. #2, D.E. #3...) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Defendants reserve the use of any other relevant evidence*. Exhibits omitted from Defendants' Exhibit List and not listed on Plaintiffs' Exhibit List will not be allowed at trial.

(6) **PRETRIAL STIPULATION** - Pursuant to S.D. Fla. L.R. 16.1.E., the parties shall

file a Pretrial Stipulation no later than **Tuesday, October 18, 2005**. The Pretrial Stipulation shall conform to the requirements of S.D. Fla. L.R. 16.1.E. The parties shall attach to the Pretrial Stipulation copies of the witness and exhibit lists along with any objections as allowed for under S.D. Fla. L.R. 16.1.E.9. A pending motion for continuance shall not stay the requirement for the filing of a Joint Pretrial Stipulation.

(7) **SERVICE LIST** - Plaintiffs' counsel shall notify any party or attorney not listed below of this Order, and shall advise the Court, through a written notice filed with the Clerk of Court, of any party or attorney not copied with the Order.

(8) **CONTINUANCE / SETTLEMENT** - A motion for continuance or a stipulation of settlement must be in writing and accompanied by self-addressed stamped envelopes. S.D. Fla. L.R. 7.1.4. Unless the Court grants the motion in writing, counsel must appear at the Calendar Call.

(9) **MOTIONS** - When submitting motions, the parties shall: (a) enclose self-addressed stamped envelopes for each party entitled to notice;¹ (b) submit a proposed order only for those motions listed in S.D. Fla. L.R. 7.1.A.1; and (c) submit only one original proposed order attached to the Judge's copy. All filings that include a memorandum of law required by S.D. Fla. L.R. 7.1.A.1 also must be submitted on an IBM-compatible 3.5 floppy diskette in WordPerfect format unless filed as part of the Court's electronic filing program.

(10) **DEPOSITIONS** - Depositions are limited to seven hours during one day absent court order or agreement of the parties and any affected non-party witnesses.

(11) **MOTIONS TO DISMISS** - Motions to dismiss shall not stay discovery.

¹The undersigned does not participate in the Court's FaxBack program. Failure to provide the requisite envelopes shall be grounds for appropriate sanctions by the Court.

(12) **SUMMARY JUDGMENT** - The practice of filing multiple motions for partial summary judgment which are collectively intended to dispose of the case (as opposed to one comprehensive motion for summary judgment) in order to evade memorandum page limitations is specifically prohibited. *See Administrative Order 97-06* (S.D. Fla. January 31, 1997)(amending S.D. Fla. L.R. 7.1.C.2.).

DONE AND ORDERED in Chambers at Miami, Florida, this 10 day of March, 2005.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided as per March 15, 2005 Master Service List: