

FILED



JUN 18 2024
[Signature]
DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

D. 638

No. 839-979

DIVISION "H"

MICHAEL O'DWYER, AVRA O'DWYER AND ANNE CANNON, INDIVIDUALLY,
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

VERSUS

METAIRIE TOWERS CONDOMINIUM ASSOCIATION INC., ET AL

SECOND UPDATED CASE MANAGEMENT SCHEDULE

BY ORDER OF THIS COURT, the following Case Management Schedule shall control this case. No variance of this Order shall be allowed without written approval of this Court:

JURY TRIAL DATE: September 29-October 30, 2025, 8:00 am

PRE-TRIAL/SETTLEMENT CONFERENCE: August 6, 2025, 1:00 pm

PRE-TRIAL ORDER: July 23, 2025

CLASS CERTIFICATION HEARING: July 24-26, 2024, 8:00 am

PLAINTIFFS' WITNESS LIST due by: May 30, 2024

DEFENDANTS' WITNESS LIST due by: June 4, 2024

DEFENDANTS' EXPERT REPORT due by: June 30, 2024

DEPOSITION DATES: June 17-30, 2024

CLASS CERTIFICATION DISCOVERY

(excluding expert depositions) completed by: June 30, 2024

Amended Memorandum in Support of Class Certification: July 1, 2024

Defendants' Responses to Amended Memorandum in
Support of Class Certification: July 15, 2024

Plaintiffs: Reply Memorandum July 19, 2024

The foregoing Case Management Schedule is adopted as an Order of this Court on this day,
June 18, 2024. 18 June 2024

[Signature]
JUDGE DONALD L. FORET



24th JUDICIAL DISTRICT, DIVISION H **TRIAL PROCEDURE**

CASE MANAGEMENT SCHEDULE

The Case Management Schedule sets forth deadlines in preparation for Trial. Any pleadings submitted past a deadline will be denied by the Court unless mutually agreed upon by the Parties. In the event your Case Management Schedule does not provide a due date for the Judge's Bench Book and Jury Charges, both the Judge's Exhibit Book and Jury Charges are due fourteen (14) days before trial.

SETTLEMENT CONFERENCE

Parties should be prepared to talk extensively about their case and come with authority. In the event Parties are not interested in a settlement, the conference date will remain but become a status conference. Parties should provide an updated informal summary/position paper to the Court seven (7) days before their conference date. If there is any confidential information included in your summary that you do not wish to share with the opposing party, please email the Law Clerk or call 504.364.3905. Otherwise, please email your summary to donnaj@24jdc.us and hstclair@jpcclerkofcourt.us.

PRE-TRIAL CONFERENCE

Parties again should be prepared to talk extensively about their case and their Joint Pre-Trial Order. **A Joint Pre-Trial Order should be filed fourteen (14) days prior to the Pre-Trial Conference date.** (Example outline attached).

DISPOSITIVE MOTIONS, DAUBERT MOTIONS, & MOTIONS IN LIMINE

A courtesy copy of all pleadings shall be delivered to the Court. If Exhibits are included, the courtesy copy should also include tabs to the corresponding exhibit number.

EXHIBIT BOOKS

Parties are required to work together to provide the Court a Joint Exhibit Book. All Joint Exhibits will be deemed admissible at Trial. In the event parties cannot agree on the admissibility of an Exhibit, please provide those Exhibits in their own Binder (i.e. Plaintiff's Exhibit Book and/or Defense Exhibit Book). Please also contact the Law Clerk to schedule a date before Trial for the Judge to rule on the admissibility of the objected Exhibit(s).

Exhibit Books shall include any Exhibits that may or may not be introduced at trial, including any potential Exhibits used for impeachment. Exhibits planned to only be used for impeachment purposes should be included in the parties individual Exhibit Book (i.e. Plaintiff's Exhibit Book and/or Defense Exhibit Book) rather than the Joint Exhibit Book.

All Exhibit Books should be labeled in the following manner,

1. Each Exhibit tabbed with the appropriate number;
2. Each page labeled with a bates stamp; and
3. Each page labeled with the Exhibit number, page number, and total page number of that Exhibit (i.e. Exhibit No.1, Page 1 of 12).
4. Each Exhibit Book should include an Index of all the Exhibits.



In total, Parties should provide a copy of the Exhibit Book for (1) the Judge; (2) the Law Clerk; (3) the Witness Stand; and (4) the Middle Podium. The copy for the Court's Middle Podium should be used to offer, file, and introduce Exhibits to the Minute Clerk. If Parties need any further copies, it is their responsibility to retain those.

The Judge's Exhibit Book shall be due fourteen (14) days in advance of trial or on the date provided in your Case Management Schedule. Parties shall provide a hard copy to the Court by 3:30 P.M. on the due date. All other Exhibit Books can be brought on the day of Trial. Parties do not need to file their Exhibits until Trial.

Any Exhibit Books not labeled or assembled in accordance with these instructions will be returned and must be redone. Further, your case may be continued at the Court's discretion if these instructions are not followed.

Please note that the Clerk of Court charges \$2.00 per page and \$5.00 per object for Exhibits. For Joint Exhibit Books and Objects, the costs will be split between all Parties. The Clerk of Court may demand an additional advance deposit to cover costs associated with trial exhibits and minute entries. Costs for Exhibits and Minute entries must be paid by completion of trial.

JURY CHARGES

Parties shall submit joint jury instructions and joint jury interrogatories prior to trial, with citation to authority. Instructions and interrogatories should be emailed to the Law Clerk in accordance with your Case Management Schedule or fourteen (14) days before trial. If Parties are not able to agree, please contact the Law Clerk to schedule a jury charge conference if one is not already set in your Case Management Schedule. Objections to proposed jury instructions and jury interrogatories shall be submitted before the jury charge conference.

JURY TRIAL COSTS

The Court has fixed the amount of the jury bond at \$2,000/case for the first day and \$400 for each additional day that the trial is expected to last, which shall be filed or posted no later than sixty (60) days prior to trial pursuant to La. R.S. 13:3049.1(E)(2). Failure to timely pay a jury bond shall result in the trial moving to a bench trial.

In addition to covering all costs associated with jury trials, jury bonds may be used within the Court's discretion to provide lunch to lawyers and their clients.

ZOOM/IN PERSON

The Court prefers for all matters to be handled in person. This includes witness testimony and depositions. In the event Parties seek an exception to this rule, please contact the Law Clerk.

In its discretion, the Court may request Parties to appear through the Zoom Meeting application or in person for an additional status conference not scheduled in the Case Management Schedule.

Zoom Instructions are below.

You may join the Court's Zoom meeting by going to <https://www.courtonline.us> and clicking on Join Video Conference. Then, choose the Division H button. The password is 3904. This is the recommended method for joining a Court meeting.

However, if you already have the Zoom app installed and prefer to use it, you can click Join Meeting and use our Meeting ID number, which is 9777008021, password 3904. Please use your full name to identify yourself, and join audio in order to hear and be heard.

INTERPRETERS

If an interpreter is needed, please send an email to our Civil Minute Clerk, with the following information:

- Client's name and Case name
- Case Number
- Language needed
- Type of hearing
- Date



- Time, estimated duration

Interpreters should be requested at least two (2) weeks in advance of your setting. Your case may be continued at the Court's discretion if these instructions are not followed.

Please note that per the Judicial Administrator's office, Interpreters are paid at a 2-hour minimum absent a notice of cancellation 48 hours prior to the hearing. If for some reason you are no longer in need of an interpreter, please let us know as soon as possible.

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

No.

DIVISION "H"

VERSUS

JOINT PRE-TRIAL OUTLINE

NOW INTO COURT, through undersigned counsel, comes Plaintiff(s) and Defendant(s), in the above entitled and numbered cause, for the purpose of filing this pre-trial outline.

The pre-trial outline is due fourteen (14) days before the Pre-Trial Conference or in accordance with your Case Management Schedule. It is to be filed into the record of this case, with a courtesy copy delivered to the Court's chambers on the same date.

LIST OF ATTORNEY(S)/PARTY

OUTLINE SHALL INCLUDE

- 1) SUMMARY OF FACTS
- 2) STIPULATIONS
- 3) UNCONTESTED FACTS
- 4) CONTESTED ISSUES OF FACTS
- 5) UNCONTESTED ISSUES OF LAW
- 6) CONTESTED ISSUES OF LAW
- 7) LIST OF FACT WITNESSES
- 8) LIST OF EXPERT WITNESSES

Please indicate if testimony will be presented live, through deposition transcript, video deposition, or otherwise. As mentioned in the Division H Trial Procedure, all witnesses should appear in person. Any exception to this rule must be approved by the Court.

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9) LIST OF EXHIBITS AND OBJECTIONS

Please follow the Division H Trial Procedure for the Court's expectations regarding Exhibit Books. The Court understands that this is a working list and final Exhibit Books are due after the Pre-Trial Conference.

10) SUMMARY OF MEDICALS, if applicable

11) CITATIONS AND LEGAL AUTHORITY APPLICABLE TO LIABILITY AND QUANTUM.