

REFERD, TERMED

**U.S. District Court  
Eastern District of Kentucky (Lexington)  
CIVIL DOCKET FOR CASE #: 5:01-cv-00002-KSF**

Neal v. Connecticut Valley, et al  
Assigned to: Karl S. Forester  
Referred to: Mag Judge James B. Todd  
Demand: \$0  
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 01/02/2001  
Jury Demand: Both  
Nature of Suit: 365 Personal Inj.  
Prod. Liability  
Jurisdiction: Diversity

**Plaintiff**

**Timothy A. Neal**

represented by **Peter Perlman**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Connecticut Valley Arms**

represented by **James E. Singer**  
Bovis, Kyle & Burch, LLC  
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**V. Thomas Fryman, Jr.**  
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**Defendant**

**Dikar, S. Coop LTDA**  
*TERMINATED: 06/13/2002*

represented by **John Kenneth Bush**  
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*TERMINATED: 06/13/2002*  
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**V. Thomas Fryman, Jr.**

(See above for address)

TERMINATED: 06/13/2002

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Defendant**

**D.C. 1980, Inc.**

*formerly known as*

Connecticut Valley Arms

represented by **James E. Singer**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Lynn C. Stidham**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/02/2001	1	COMPLAINT ( 2 summons(es) issued) with copy, Fee Paid \$ 150.00, Receipt No. 089400; given to atty for service (DC) (Entered: 01/05/2001)
01/29/2001	2	RETURN OF SERVICE executed upon defendant Connecticut Valley on 1/29/01 through Secretary of State (DC) (Entered: 01/30/2001)
02/06/2001	3	RETURN OF SERVICE executed upon defendant Dikar, S. Coop LTDA on 2/6/01 by certified mail through Sec of State (SKV) (Entered: 02/06/2001)
02/09/2001	4	STIPULATION TO EXTEND TIME FOR DEFT TO ANSWER COMPLAINT re [1-1] (DC) (Entered: 02/09/2001)
02/23/2001	5	MOTION by defendant Connecticut Valley, defendant Dikar, S. Coop LTDA to dismiss (DC) (Entered: 02/23/2001)
02/23/2001	6	MEMORANDUM by defendant Connecticut Valley, defendant Dikar, S. Coop LTDA in support of motion to dismiss [5-1] (DC) (Entered: 02/23/2001)
03/08/2001	7	AMENDMENT OF MOTION by defendant Dikar, S. Coop LTDA to dismiss the complaint (DC) (Entered: 03/09/2001)

03/08/2001	8	RESPONSE by plaintiff Timothy A. Neal to amendment to motion to dismiss the complaint [7-1], to motion to dismiss [5-1] (DC) (Entered: 03/09/2001)
03/22/2001	9	STIPULATION TO EXTEND TIME FOR DEFT TO ANSWER COMPLAINT re [1-1] (DC) (Entered: 03/22/2001)
07/25/2001	10	ORDER by Chief Judge Karl S. Forester denying motion to dismiss [5-1] (cc: all counsel) [EOD Date: 7/25/01] (DC) (Entered: 07/25/2001)
08/07/2001	11	ANSWER by defendant Dikar, S. Coop LTDA to COMPLAINT [1-1] (DC) (Entered: 08/07/2001)
08/14/2001	12	ANSWER by defendant Connecticut Valley to COMPLAINT [1-1] (DC) (Entered: 08/14/2001)
08/20/2001	13	ORDER FOR MEETING AND REPORT by Chief Judge Karl S. Forester counsel to conduct meeting by 09/21/01; exchange discl FILE written JOINT REPORT by 10/10/01; (cc: all counsel) [EOD Date: 8/20/01] (DC) (Entered: 08/20/2001)
10/01/2001	14	DISCLOSURE 26(a)(1) by defendant Dikar, S. Coop LTDA (Entered: 10/02/2001)
10/01/2001	15	REPORT OF PARTIES PLANNING MEETING (Entered: 10/02/2001)
10/10/2001	16	SCHEDULING ORDER by Chief Judge Karl S. Forester: 1) DISCLOSE experts 1/11/02; rebuttal experts 30 days later; discovery ddl 4/11/02; mtns to amd pldgs & join add'l ptys filing ddl 4/11/02; 3) dispositive motion 5/11/02; 4) pretrial filings due 7/29/02; 5) PRE-MARK exhibits 7/29/02; 6) CONDUCT conf to form agreed proposed jy instr by 7) conduct good faith settlement conf by 8/5/02; 8) FILE obj to use of depos or exhibits by 8/5/02; 9) PRETRIAL CONFERENCE assigned 8/12/02 @ 9:00; 10) FILE agreed proposed jy instr @ PTC; 11) TWO WORKING DAYS prior to trial SUBMIT to Chambers cpys of documentary exhibits; 12) JURY TRIAL assigned 9/17/02 @ 9:00 AM; 13) all DISCOVERY DISPUTES referred Mag Judge James B. Todd (cc: all counsel) [EOD Date: 10/10/01] (SKV) Modified on 10/10/2001 (Entered: 10/10/2001)
10/31/2001	17	MOTION by defendant Connecticut Valley for attorney James E. Singer to appear pro hac vice FEE PAID \$65.00; 095808 (DC) (Entered: 10/31/2001)
11/02/2001	18	ORDER by Chief Judge Karl S. Forester granting motion for

		attorney James E. Singer to appear pro hac vice [17-1] defendant Connecticut Valley, defendant Dikar, S. Coop LTDA (cc: all counsel) [EOD Date: 11/5/01] (DC) (Entered: 11/05/2001)
11/05/2001	19	NOTICE by plaintiff Timothy A. Neal of taking deposition of ROBERT HICKEY on 11/14/01 @ 1:00 p.m. (DC) (Entered: 11/05/2001)
11/13/2001	20	NOTICE by defendant Connecticut Valley, defendant Dikar, S. Coop LTDA of taking deposition of TIMOTHY A. NEAL on 11/14/01 @ 9:00 a.m. (Entered: 11/15/2001)
11/19/2001	21	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of JOHN BOWMAN on 11/30/01 @ 1:00 p.m. (DC) (Entered: 11/20/2001)
11/19/2001	22	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of BARRY BOWMAN on 11/30/01 @ 11:00 a.m. (DC) (Entered: 11/20/2001)
11/19/2001	23	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of RON NEAL on 11/30/01 @ 9:00 a.m. (DC) (Entered: 11/20/2001)
11/29/2001	24	RETURN OF SERVICE by defendants of DEPOSITION SUBPOENA issued on Ron L. Neal to appear on 11/30/01 @ 9:00 a.m. for depo showing service on 11/20/01 (DC) (Entered: 11/29/2001)
12/17/2001	25	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of Custodian of Records @ UK Hospital on 1/15/02 (CBD) (Entered: 12/17/2001)
12/17/2001	26	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of Records Custodian @ Western Pacific Storage Systems on 1/15/02 (CBD) (Entered: 12/17/2001)
12/17/2001	27	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of Record Custodian @ Quick Tax on 1/15/02 (CBD) (Entered: 12/17/2001)
12/17/2001	28	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of Records Custodian @ Scott Cty High School on 1/15/02 (CBD) (Entered: 12/17/2001)
12/18/2001	29	NOTICE by plaintiff Timothy A. Neal of taking deposition of Rep of Connecticut Valley Arms on 1/15/02 (CBD) (Entered: 12/18/2001)

12/19/2001	30	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA IN A CIVIL CASE on Custodian of Medical Records, UK Hospital on 12/17/01 requesting documents (DC) (Entered: 12/20/2001)
12/20/2001	31	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of CUSTODIAN OF RECORDS at Louisville Forge & Gear on 01/15/02 @ 2:00 p.m. (DC) (Entered: 12/20/2001)
12/20/2001	32	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of ANDREW PEARSON, M.D. on 1/15/02 @ 3:00 p.m. (DC) (Entered: 12/20/2001)
12/21/2001	33	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of CUSTODIAN OF EMPLOYMENT at CBS Personnel Services on 1/15/02 @ 1:00 p.m. (DC) (Entered: 12/26/2001)
12/21/2001	34	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA issued on Custodian of Records, Louisville Forge & Gear to appear 1/15/02 @ 2:00 p.m. and produce records (DC) (Entered: 12/26/2001)
12/21/2001	35	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA issued on Custodian of Employment Records, CBS Personnel Services to produce record & appear on 1/15/02 @ 1:00 p.m. (DC) (Entered: 12/26/2001)
01/02/2002	36	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA issued on Custodian of School Records, Scott Cty School to appear on 1/15/02 @ 10:00 a.m. & produce records (DC) (Entered: 01/02/2002)
01/02/2002	37	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA issued on Custodian of Medical Records, Office of Andrew Pearson to appear on 1/15/02 @ 3:00 p.m. showing personal service on 12/21/01 (DC) (Entered: 01/02/2002)
01/03/2002	38	NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of CUSTODIAN OF MEDICAL RECORDS on 1/15/02 @ 4:00 p.m. (DC) (Entered: 01/03/2002)
01/03/2002	39	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOEAN issued on Custodian of Medical Records to appear on 1/15/02 @ 4:00 p.m. showing personal service on 12/21/01 (DC) (Entered: 01/03/2002)
01/03/2002	40	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of SUBPOENA issued on Custodian of Employment Records,

		Western Pacific Storage to appear on 1/15/02 2 12:00 p.m. showing personal service on 12/21/01 (DC) (Entered: 01/03/2002)
01/10/2002		----- V O L U M E 2 ----- ----- (DC) (Entered: 03/18/2002)
01/10/2002	41	NOTICE OF CANCELLATION by defendant Dikar, S. Coop LTDA of taking deposition of Custodian of Records, Georgetown Comm Hosp on 1/15/02 (CBD) (Entered: 01/10/2002)
01/10/2002	42	NOTICE OF CANCELLATION by defendant Dikar, S. Coop LTDA of taking deposition of Cust of Records, CBS Personnel Svcs on 1/15/02 (CBD) (Entered: 01/10/2002)
01/10/2002	43	NOTICE OF CANCELLATION by defendant Dikar, S. Coop LTDA of taking deposition of Cust of Med Records, UK Hosp on 1/15/02 (CBD) (Entered: 01/10/2002)
01/10/2002	44	RETURN OF SERVICE by defendant Dikar, S. Coop LTDA of subpoena duces tecum upon Cust. of Records, Quick Tax, Inc. by personal svc (CBD) (Entered: 01/10/2002)
01/10/2002	45	AGREED AMENDED SCHEDULING ORDER by Chief Judge Karl S. Forester discovery ddl 5/11/02; motion filing ddl 5/11/02; dispositive motion 6/11/02; pretrial filings due 8/29/02; pretrial set for 10:00 9/16/02; jury trial set for 9:00 10/29/02 , Case referred to Mag Judge James B. Todd (cc: all counsel) [EOD Date: 1/11/02] (DC) (Entered: 01/11/2002)
01/11/2002	46	NOTICE by defendant Dikar, S. Coop LTDA Of Cancellation of Deposition of the Custodian of School Records at Scott County High School (DC) (Entered: 01/11/2002)
01/18/2002	47	RESPONSE TO INTERROGATORIES AND REQUEST for production of document by defendant Connecticut Valley along w/Certificate for Filing Discovery Material (DC) (Entered: 01/23/2002)
01/22/2002	48	NOTICE by defendant Dikar, S. Coop LTDA of Cancellation of Deposition of Custodian of Medical Records (DC) (Entered: 01/23/2002)
01/22/2002	49	NOTICE by defendant Dikar, S. Coop LTDA of Cancellation of deposition of the custodian of records (DC) (Entered: 01/23/2002)
01/22/2002	50	NOTICE by defendant Dikar, S. Coop LTDA of Cancellation of

		Deposition of Custodian of Employment Records at Western Pacific Storage Systems (DC) (Entered: 01/23/2002)
01/22/2002	51	NOTICE by defendant Dikar, S. Coop LTDA of Cancellation of the Deposition of the Custodian of Tax Records (DC) (Entered: 01/23/2002)
02/05/2002	52	ORDER by Mag Judge James B. Todd On Tuesday, 2/5/02 @ 10:00 a.m. the Mag Judge conducted a telephone confernece call w/counsel concerning the failure of deft Connecticut Valley Arms to comply w/all of plttf's discovery requests. It is hereby ORDERED that: 1) plttf shall telefax to CVA's counsel the authoerity on which he is relying to support his argument that he is entitled to a list of all other similar incidents filed with CVA subsequent to 10/15/00 by the close of business on 2/5/02; 2) Deft CVA is given to & including Thursday, 2/7/02 in which to review plttf's authorities & to advise plttf whether it will provide plttf with a list of all other similar incidents filed with CVA subsequent to 10/15/00. In the event that CVA does not agree that plttf is entitled to a list of all other simialr incidents filed w/CVA subsequent to 10/15/00 plttf is free to file a motion to compel the discovery of that information (cc: all counsel) [EOD Date: 2/5/02] (DC) (Entered: 02/05/2002)
02/11/2002	53	WITNESS list submitted by plaintiff Timothy A. Neal (DC) (Entered: 02/11/2002)
02/14/2002	54	MOTION by plaintiff Timothy A. Neal to compel discovery from deft's Connecticut Valley Arms (DC) (Entered: 02/14/2002)
02/14/2002	55	NOTICE by plaintiff Timothy A. Neal of taking deposition of DR. ANDREW PEARSON on 3/11/02 @ 10:00 a.m. (DC) (Entered: 02/14/2002)
02/15/2002		SUBMITTED re motion to compel discovery from deft's Connecticut Valley Arms [54-1] is submitted (DC) (Entered: 02/15/2002)
02/25/2002	56	RULE 5(d) CERTIFICATE by defendant Connecticut Valley (DC) (Entered: 02/25/2002)
03/04/2002	57	RESPONSE by defendant Connecticut Valley, defendant Dikar, S. Coop LTDA to motion to compel discovery from deft's Connecticut Valley Arms [54-1] (DC) (Entered: 03/04/2002)
03/13/2002	58	REPLY by plaintiff Timothy A. Neal to response to motion to compel discovery from deft's Connecticut Valley Arms [54-1] (DC) (Entered: 03/13/2002)



03/15/2002	59	RULE 5(D) CERTIFICATE by defendants (DC) (Entered: 03/15/2002)
03/15/2002	60	MEMORANDUM OF defendant Dikar, S. Coop LTDA w/Respect to Telephone Hearing set for 3/19/02 before Mag Judge Todd (DC) (Entered: 03/15/2002)
03/18/2002	61	MEMORANDUM RE: CONFERENCE CALL 3/19/02 by plaintiff Timothy A. Neal (DC) (Entered: 03/18/2002)
03/19/2002	62	SUPPLEMENTARY MEMORANDUM by defendant Dikar, S. Coop LTDA with respect to telephone hearing set for 3/19/02 before Mag Judge James B. Todd (DC) (Entered: 03/19/2002)
03/20/2002	63	MEMORANDUM OPINION & ORDER by Magistrate Judge James B. Todd: 1) pla obj to scheduling depos of Antonio Cabello, Aitor Diaz DeMendibil, Julian Echeberria, Martxiel Genova & Teruel is DENIED WITHOUT PREJUDICE; Dikar may proceed to schedule depos of Antonio Cabello, Aitor Diaz DeMendibil, Julian Echeberria, Martxiel Genova, & Robert Teruel & Dikar is on ntc that it runs the risk of having the perpetuation testimony of these witnesses stricken if Dikar does not provide pla w/ written rpt of witnesses & ct subsequently determines that they are experts rather than historical fact witnesses; 2) discovery ddl extended to 6/11/02 (cc: all counsel) [EOD Date: 3/20/02] (SKV) Modified on 03/21/2002 (Entered: 03/20/2002)
03/25/2002	64	ORDER by Chief Judge Karl S. Forester: pla mtn to compel discovery from deft's Connecticut Valley Arms [54-1] GRANTED & dft CVA is directed to provide pla w/ names of individuals injured in these eight post 10/15/00 incidents & names of their cnsl if any (cc: all counsel) [EOD Date: 3/25/02] (SKV) (Entered: 03/25/2002)
05/03/2002	65	ORDER by Mag Judge James B. Todd: dispositive motion ddl extended to 7/16/02 (cc: all counsel) [EOD Date: 5/3/02] (SKV) (Entered: 05/03/2002)
05/07/2002	66	NOTICE by defendant Connecticut Valley of taking deposition of Willaim F. Kitzes on 5/9/02 (CBD) (Entered: 05/07/2002)
05/10/2002	67	MOTION by plaintiff Timothy A. Neal to amend cmp (CBD) (Entered: 05/10/2002)
05/10/2002		PROPOSED Amd Cmp tendered by plaintiff Timothy A. Neal (CBD) (Entered: 05/10/2002)
05/13/2002	68	SUPONEA DUCES TECUM & NOTICE by defendant Dikar,

		S. Coop LTDA of taking deposition of JOHN TIERNEY on 5/23/02 @ 10:00 a.m. & produce documents (DC) (Entered: 05/14/2002)
05/13/2002	69	AMENDED NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of ANDREW PEARSON, MD on 6/10/02 @ 1:00 p.m. (DC) (Entered: 05/14/2002)
05/13/2002	70	SUBPOENA DUCES TECUM & NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of ANDREW PEARSON M.D. on 5/22/02 @ 10:00 a.m. (DC) (Entered: 05/14/2002)
05/13/2002	71	SUBPONEAS DUCES TECUM & NOTICE by defendant Dikar, S. Coop LTDA of taking deposition of ROBBIE WILSON on 5/22/02 @ 1:00 p.m. (DC) (Entered: 05/14/2002)
05/14/2002	72	NOTICE by defendant Connecticut Valley of taking deposition of LUCIEN C. HAAG on 5/14/02 @ 10:00 a.m. (DC) (Entered: 05/14/2002)
05/22/2002	73	NOTICE by defendant Connecticut Valley of taking deposition of JAMES LOVETT III, M.D. on 5/24/02 @ 1:00 p.m. (DC) (Entered: 05/23/2002)
05/23/2002	74	NOTICE by defendant Dikar, S. Coop LTDA of Cancellation of the Deposition of Andrew Pearson, M.D. (DC) (Entered: 05/24/2002)
05/23/2002	75	NOTICE by defendant Dikar, S. Coop LTDA Of Cancellation of the Deposition of James Lovett III, M.D. (DC) (Entered: 05/24/2002)
05/28/2002		SUBMITTED re motion to amend cmp [67-1] is submitted (DC) (Entered: 05/29/2002)
05/29/2002	76	NOTICE by defendant Connecticut Valley of taking deposition of TIMOTHY F. LA FRANCE on 5/29/02 @ 9:00 a.m. (DC) (Entered: 05/29/2002)
06/13/2002		AGREED ORDER OF DISMISSAL by Chief Judge Karl S. Forester By agreement of plttf Timonty A. Neal & deflt Dikar & the court being duly & sufficiently advised IT IS HEREBY ORDERED as follows: 1) Neal's Complaint shall be dismissed as against Dikar w/prejudice; 2) Neal & Dikar shall each bear their own costs; and 3) only Neal's claims against Dikar shall be dismissed by this order dismissing party Dikar, S. Coop LTDA (cc: all counsel) [EOD Date: 6/13/02] (DC) (Entered: 06/13/2002)
07/10/2002	77	MOTION by plaintiff Timothy A. Neal for sanctions against

		deft by reason of its failure to comply w/order of Mag Judge James Todd entered on 3/25/02 , and for hearing (DC) (Entered: 07/10/2002)
07/11/2002	78	RULE 5.2(a) CERTIFICATE SERVING DISCOVERY MATERIALS by defendant Connecticut Valley (DC) (Entered: 07/11/2002)
07/15/2002	79	ORDER by Chief Judge Karl S. Forester 1) granting motion to amend cmp [67-1]; 2) clerk SHALL FILE plfff's tendered First Amended Complaint; 3) DC 1980 Inc. is presumed to be properly served to be represented by counsel for Connecticut Valley Arms and to have answered the complaint via Connecticut Valley Arms answer; and 4) no further responsive pleadings are required of any party (cc: all counsel) [EOD Date: 7/16/02] (DC) (Entered: 07/16/2002)
07/15/2002	80	FIRST AMENDED COMPLAINT [1-1] by plaintiff Timothy A. Neal; adding D.C. 1980, Inc.; jury demand (DC) (Entered: 07/16/2002)
07/16/2002	81	RESPONSE by defendant D.C. 1980, Inc. to Pltff's Motion to Amend Complaint (DC) (Entered: 07/16/2002)
07/16/2002	82	MOTION by defendant D.C. 1980, Inc. for partial summary judgment on pltff's claim for punitive damages on the grounds that there are no genuine issues as to any material fact (DC) (Entered: 07/16/2002)
07/16/2002	83	MEMORANDUM by defendant D.C. 1980, Inc. in support of motion for partial summary judgment on pltff's claim for punitive damages on the grounds that there are no genuine issues as to any material fact [82-1] (DC) (Entered: 07/16/2002)
07/29/2002	84	RESPONSE by dfts Connecticut Valley, D.C. 1980, Inc. to mtn for sanctions against deft by reason of its failure to comply w/order of Mag Judge James Todd entered on 3/25/02 [77-1], & to mtn for hearing [77-2] (KJR) (Entered: 07/30/2002)
07/30/2002		----- V O L U M E T H R E E ----- (KJR) (Entered: 08/15/2002)
07/31/2002	85	RESPONSE by pla Timothy A. Neal to CVA's mtn for partial sum/jgm on pltff's claim for punitive damages on the grounds that there are no genuine issues as to any material fact [82-1] (SKV) (Entered: 08/01/2002)
08/02/2002	86	REPLY by plaintiff Timothy A. Neal to response to motion for

		sanctions against defbt by reason of its failure to comply w/order of Mag Judge James Todd entered on 3/25/02 [77-1] (DC) (Entered: 08/02/2002)
08/14/2002	87	REPLY by defendant D.C. 1980, Inc. to response to motion for partial summary judgment on plfff's claim for punitive damages on the grounds that there are no genuine issues as to any material fact [82-1] (DC) (Entered: 08/14/2002)
08/29/2002	88	PRETRIAL MEMORANDUM by plaintiff Timothy A. Neal w/ witness & exhibit list and Proposed Jury Instructions attached (SKV) (Entered: 08/30/2002)
08/29/2002	89	PRETRIAL MEMORANDUM by dft D.C. 1980, Inc. (SKV) (Entered: 08/30/2002)
08/29/2002	90	FINAL EXHIBIT list by dft D.C. 1980, Inc. (SKV) (Entered: 08/30/2002)
08/29/2002	91	WITNESS list submitted by dft D.C. 1980, Inc. (SKV) (Entered: 08/30/2002)
09/05/2002	92	ORDER by Chief Judge Karl S. Forester: dft's mtn for partial sum/jgm [82-1] DENIED; Ct reserves jgm on pla mtn for sanctions [77-1] until completion of trial (cc: all counsel) [EOD Date: 9/5/02] (SKV) (Entered: 09/05/2002)
09/05/2002	93	OBJECTIONS by defendant D.C. 1980, Inc. f/k/a Connecticut Valley Arms, Inc. to Exhibits and Depositions listed by plaintiff (SKV) (Entered: 09/09/2002)
09/05/2002	94	OBJECTIONS by pla Timothy A. Neal to Exhibits & Witnesses (SKV) (Entered: 09/09/2002)
09/11/2002	95	ORDER by Chief Judge Karl S. Forester: action REFERRED to MJ Todd to conduct pretrial conference 9/16/02 @ 10:00 AM (cc: all counsel) [EOD Date: 9/11/02] (SKV) (Entered: 09/11/2002)
09/13/2002	96	RESPONSE by plaintiff Timothy A. Neal to CVA Objections to plaintiffs exhibits (SKV) (Entered: 09/13/2002)
09/16/2002	97	PROPOSED JURY INSTRUCTIONS submitted by plaintiff Timothy A. Neal (CBD) (Entered: 09/16/2002)
09/16/2002	98	GENERAL MINUTES: before Magistrate Judge Todd Date(s) 9/16/02 Court Reporter Kathy Kleingartner: matter called for PT Conf. Ct heard stmts of counsel concerning various issues and their positions on the various issues. A sep. order will issue setting forth ct's findings (cc: all counsel) [EOD Date: 9/16/02]

		(CBD) (Entered: 09/16/2002)
09/16/2002	99	PROPOSED JURY INSTRUCTIONS submitted by dfts Connecticut Valley, D.C. 1980, Inc. (JM) (Entered: 09/17/2002)
09/17/2002	100	ORDER by Mag Judge James B. Todd: 1) matter assigned for settlement conf 10/8/02 @ 9:00, Lex 2) In addition to counsel, it is required that parties, or person w/ actual settlement authority for parties, be present for settlement conf 3) matter assigned for pretrial conf on 10/8/02 1:30 in Courtroom C, Lex 4) Ct rpt required (cc: all counsel) [EOD Date: 9/17/02] (CBD) (Entered: 09/17/2002)
10/01/2002	102	ORDER by Mag Judge James B. Todd ;1) telephone conf call w/ counsel scheduled for 10-04-02 is CANCELLED; 2) settlement conf is CANCELLED; 3) pretrial conf scheduled advanced to 10-08-02 at 9:00; court reporter required (cc: all counsel) [EOD Date: 10/3/02] (JM) (Entered: 10/03/2002)
10/02/2002	101	TRANSCRIPT filed of Pretrial before Judge Todd Date(s) of 09-16-02 Ct. Rptr. Kathy Kleingartner, sep vol. (JM) Modified on 10/04/2002 (Entered: 10/02/2002)
10/08/2002	103	DEPOSITION DESIGNATION by dft Connecticut Valley, D.C. 1980, Inc. (JM) (Entered: 10/08/2002)
10/08/2002	104	STATUS CONFERENCE MINUTES: before Judge Todd Date(s) 10-08-02; Court Reporter Denise Vasquez; 1) dft to submit to court and to Dr. Perlman exhibits that he says do not relate to the firearm in this case and cite testimony/docs to support position by 10-15-02 Mr Perlman to advise court by 10-22-02 of any testimony/docs that indicate exhibits that do relate to the firearm in question; 2) by 10-15-02 parties shall exchange facts they are willing to stipulate to; submit list of agreements to court by 10-22-02 and shall list exhibits that can be withdrawn based on agreements; 3) dfts oral mtn to quash taking depo of Mr. Zinger is TAKEN UNDER ADVISEMENT; the court advised pla to proceed w/ plans to take Mr. Zingers depo 10-15-02; 4) Judge Todd shall advise Judge Forester of matters discussed including admissibility of exhibits and objs to depositions so Judge Forester may issue orders (cc: all counsel) [EOD Date: 10/9/02] (JM) (Entered: 10/09/2002)
10/08/2002	104	ORAL MOTION of dfts to quash taking depositions of Zinger (JM) (Entered: 10/16/2002)
10/10/2002	105	MOTION by dft D.C. 1980, Inc. in limine to exclude certain opinions of plaintiffs experts Timothy Lafrance and William Kitzes;

		memo in support of mtn attached (JM) (Entered: 10/10/2002)
10/11/2002	106	MOTION by pla Timothy A. Neal to strike Daubert mtns of CVA (JM) (Entered: 10/15/2002)
10/15/2002	107	MOTION by dfts Connecticut Valley, D.C. 1980, Inc. to apply Georgia las to punitive damages claim (JM) Modified on 10/15/2002 (Entered: 10/15/2002)
10/15/2002	108	RESPONSE by dfts Connecticut Valley, D.C. 1980, Inc. to plas mtn to strike [106-1] (JM) Modified on 10/15/2002 (Entered: 10/15/2002)
10/15/2002	109	MOTION by dfts Connecticut Valley, D.C. 1980, Inc. to amend order denying dfts mtn for partial judgment on punitive damages (JM) (Entered: 10/15/2002)
10/16/2002	110	ORDER by Mag Judge James B. Todd ; Daubert hearing set for 1:30 10/24/02 ; court reporter required (cc: all counsel) [EOD Date: 10/16/02] (JM) Modified on 10/24/2002 (Entered: 10/16/2002)
10/18/2002	111	NOTICE of dft taking deposition of Kevin Sullivan on 10-24-02 (JM) Modified on 10/24/2002 (Entered: 10/18/2002)
10/22/2002	112	RETURN OF SERVICE of subpoena executed on Ronald Neal 10/21/02 vial US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	113	RETURN OF SERVICE of subpoena executed on Glenn Bowman 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	114	RETURN OF SERVICE of subpoena executed on Robert Neal 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	115	RETURN OF SERVICE of subpoena executed on Terry Neal 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	116	RETURN OF SERVICE of subpoena executed on Tommy Bowman 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	117	RETURN OF SERVICE of subpoena executed on Linda Burton 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	118	RETURN OF SERVICE of subpoena executed on Barry

		Bowman 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	119	RETURN OF SERVICE of subpoena executed on Derran Broyles 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/22/2002	120	RETURN OF SERVICE of subpoena executed on John R. Bowman Jr. 10/21/02 via US mail (JM) Modified on 10/24/2002 (Entered: 10/24/2002)
10/23/2002	121	REPLY by pla Timothy A. Neal to plas mtn to strike [106-1] (JM) (Entered: 10/24/2002)
10/23/2002	121	RESPONSE by pla Timothy A. Neal to dfts mtn to apply Georgia las to punitive damages claim [107-1] (JM) (Entered: 10/24/2002)
10/23/2002	121	RESPONSE by pla Timothy A. Neal to dfts mtn to amend order regarding punitive damages [109-1] (JM) (Entered: 10/24/2002)
10/24/2002	122	ORDER by Mag Judge James B. Todd The court finds that the depos in the Haymaker litigation will only be admitted to establish background factual information; the court will allow R. Siefker, T. Link and M. Healey to testify about their circumstances surrounding their accidents, whether they were wearing safety glasses, and the nature of their injuries- but NOT to provide their opinions about injuries they believe they would have suffered had they not been wearing glasses; the court will NOT admit testimony from A. Diaz Mendibil into evidence; the court finds that Neal may present testimony either live, or through depos concerning 1) time and place that similar rifles were purchased 2) whether the individuals involved received notice of CVA recall 3) nature of how similar accidents occurred 4) injuries suffered by victims of the similar accidents. Neal may introduce photographs that illustrate the nature of injuries suffered by victims of similar accidents; the court finds that Neal may introduce medical recs, medical/hospital expenses, X-rays and CAT scans as exhibits ; the Court finds that Neal may introduce the exhibits but not the video depo in regards to Dr. A. Pearson; The court finds that the hearsay statements and unqualified expert opinion testimony be redacted in regards to KYSP; Neal may introduce exhibits that shows that CVA had problems w/ Dikar firearms but limited to exclude exhibits related to firearms w/ stainless-steel barrels; Neal may introduce the purchase documents and shipping receipts, but NOT the videotape of the CVA facility or market studies and business planning docs ordered by CVA and Dikar; the court finds that

		Neal may NOT introduce the plading "CVA's response to plas interratories and requests for admissions" into evidence; Neal may not introduce similar muzzle-loading firearms into evidence; the court finds that Neal may NOT introduce any portion of the depo taken in the Haymaker litigation that has not already been designated; the court finds that Neal may introduce the depo testimony of A Diaz Mendibil (cc: all counsel) [EOD Date: 10/24/02] (JM) (Entered: 10/24/2002)
10/24/2002	123	ORDER by Chief Judge Karl S. Forester trial is RESCHEDULED ;jury trial set for 9:00 10/28/02 (cc: all counsel) [EOD Date: 10/24/02] (JM) (Entered: 10/24/2002)
10/24/2002	124	ORDER by Chief Judge Karl S. Forester 1) dfts mtn to amend courts punitive damages order [109-1] GRANTED; 2) record shall reflect the Court has not made conclusive factual findings concerning plas punitive damages claim, but has determined that material fact exists as to whether the pla is entitled to such damages; 3) dfts mtn to apply Georgia law to plas punitive damages claim [107-1] DENIED (cc: all counsel) [EOD Date: 10/24/02] (JM) (Entered: 10/24/2002)
10/25/2002	125	ORDER by Mag Judge James B. Todd dfts mtn in limine [105-1] GRANTED in part and DENIED in part in accordance with foregoing; 2) plas mtn to strike [106-1] DENIED (cc: all counsel) [EOD Date: 10/25/02] (JM) (Entered: 10/25/2002)
10/28/2002	126	ORDER by Chief Judge Karl S. Forester ; jury trial set for 10-28-02 stricken from docket ; parties to TENDER an agreed order dismissing case w/ prejudice w/in 30 days (cc: all counsel) [EOD Date: 10/28/02] (JM) (Entered: 10/28/2002)
10/28/2002	127	DAUBERT HEARING MINUTES: before JUDGE TODD Date(s) 10-24-02 Court Reporter D. Vasquez; Courts rulings shall be forthcoming on 10-25-02 (cc: all counsel) [EOD Date: 10/28/02] (JM) (Entered: 10/28/2002)
11/19/2002	128	ORDER by Chief Judge Karl S. Forester matter has been resolved and is hereby dismissed w/ prejudice ; each party to bear own costs (cc: all counsel) [EOD Date: 11/20/02] (JM) (Entered: 11/20/2002)

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