UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

SRC HOLDING CORPORATION,

Debtor(s).

BRIAN F LEONARD, TRUSTEE,

Plaintiff(s),

v.

EXECUTIVE RISK INDEMNITY, INC,

Defendant(s),

THE MARSHALL GROUP, INC., JEROME A. TABOLICH, JAMES E. IVERSON, EDWARD J. HENTGES, KENNETH R. LARSEN, STEVEN W. ERICKSON, PAUL R. ECKHOLM, AND MARY JO BENDEN,

Intervenors.

Third Amended SCHEDULING ORDER AND ORDER FOR TRIAL
ADV 03-4284
BKY 02-40284

IT IS ORDERED:

1. All discovery in this matter shall be concluded no later than October 14, 2004.

2. All dispositive or nondispositive motions, including those relating to discovery, shall be filed on or before October 29, 2004, and responses to motions for summary judgment are due on or before November 12, 2004

3. This proceeding is set for trial in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on **April 12, 2005 at 10:30 a.m.**

4. No later than 10 days prior to trial, all parties are expected to confer and enter into a stipulation as to the following:

a. Waiver of objections to the admissibility of exhibits on the grounds of lack of

NOTICE OF ELECTRONIC FILING ENTRY ORDER OR JUDGEMENT
Filed and Docket Entry Made on SEP 30 2004
Lori Vosejpka, Acting Clerk by:

35-1

identification or foundation where the identification or foundation is not to be contested;

b. Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any;

c. Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel shall provide copies of each exhibit for inspection by opposing counsel and for waiver or noting of objection.

5. No later than 5 days prior to trial, counsel shall prepare, serve and file the following:

a. A trial brief containing a complete statement of points and authority for issues of law;

b. A final exhibit list containing a description of all exhibits to be offered at trial. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers.

The plaintiff shall identify the plaintiff's exhibits with numbers as follows:

Plaintiff's Exhibit 1
Plaintiff's Exhibit 2
etc.

The defendant shall identify the defendant's exhibits with letters as follows:

Defendant's Exhibit A
Defendant's Exhibit B
etc.

If there is more than one plaintiff or defendant, then the parties shall confer so as to avoid duplication of exhibit identification;

c. A final witness list containing the names, addresses and brief summary of the testimony of

each witness the party will call. A person not listed on this list may not testify during the party's case-in-chief.

d. A list of depositions proposed to be offered in evidence, if any, and a statement of any objections to the receipt and evidence of portions of any such depositions, identifying the objecting party and the grounds (three copies). Only depositions so listed shall be offered in evidence at trial except for good cause shown.

e. Proposed findings of fact, conclusions of law, and order for judgment.

6. Unless the parties agree otherwise by written stipulation, Fed. R. Civ. P. 26(a)(1), (a)(2), (a)(3) and (f), do not apply in this adversary proceeding.

7. No scheduling or pretrial conference shall be held in this matter unless requested in writing by counsel for any party. Any request for such conference shall state the reasons therefore, and a copy must be provided to counsel for all other parties to this proceeding.

8. This order is issued without prior consultation with counsel for any party. Accordingly, if the dates fixed herein present an undue burden on counsel or any party to this proceeding, counsel shall so inform the Court by way of a written request to alter such dates. Such written request shall state:

a. The reasons for any extension of time;

b. That counsel has conferred with counsel to all other parties to this proceeding regarding any proposed extension; and

c. The outcome of such conference.

A copy of any such request must be provided to counsel for all other parties to this proceeding.

9. Counsel should understand that, except as altered by this court after proper request, <u>dates fixed hereby are mandatory</u>. Deadlines shall not be extended except for good cause. No motion shall be heard unless filed prior to the expiration of the deadline set. The Court reserves the right to act upon such motions without a hearing, if circumstances

so mandate.

10. Failure to abide by the provisions of this Order may result in imposition of sanctions upon counsel or a party.

Dated: September 30, 2004

/e/ Nancy C. Dreher

Nancy C. Dreher
UNITED STATES BANKRUPTCY JUDGE

STATE OF MINNESOTA
SS.
COUNTY OF HENNEPIN

I, Kristin Neff, hereby certify: That I am a Deputy Clerk in the Office of the United States Bankruptcy Court for the Fourth Division of the District of Minnesota, at Minneapolis, Minnesota; That on **September 30, 2004**, true and correct copies of the annexed:

ORDER ADV 03-4284

were placed by me in individual franked official envelopes, that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at Minneapolis, Minnesota, to:

THOMAS ATMORE
55 EAST FIFTH ST
SUITE 800
ST PAUL MN 55101

JOHN M. ANDERSON ESQ.
SUSAN GUSTAD ESQ
BASSFORD REMELE, PA
33 SOUTH SIXTH ST., STE 3800
MINNEAPOLIS MN 55402

DANIEL STANDISH
WILEY REIN & FIELDING LLP
1776 K STREET NW
WASHINGTON DC 20006

and this certificate was made by me.

/e/ Kristin Neff
Kristin Neff, Deputy Clerk