

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

APR 21 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

OKLAHOMA DEPARTMENT OF SECURITIES)
ex rel. Irving L. Faught, Administrator,)
)
 Plaintiff,)
)
 vs.)
)
 FARMERS & MERCHANTS BANK, et al.)
)
 Defendants,)
)
 and)
)
 ROBERT LYNN POURCHOT, Trustee of the)
 Robert Lynn Pourchot Trust, et al.,)
)
 Intervenors.)

Case No. CJ-2006-3311

SECOND AMENDED SCHEDULING ORDER

THIS ORDER is entered this 20th day of April, 2009. Counsel have discussed their respective need for adequate discovery time, complexity of legal issues to be addressed, and their caseload in arriving at this agreed Scheduling Order.

IT IS ORDERED that the following must be completed within the time fixed:

1. **JOINDER OF ADDITIONAL PARTIES** and **AMENDED PLEADINGS**:
Filed only with leave of Court or written consent of opposing parties.
2. **DISCOVERY**: Completed/answered by June 8, 2009 unless otherwise agreed and approved by the Court.
3. **WITNESS AND EXHIBIT LISTS**: Preliminary Witness/Exhibit lists shall be exchanged no later than April 14, 2009; Final exchange – May 12, 2009. Additional witness/exhibits shall be stricken by the Court, absent extraordinary circumstances. Exhibits, including demonstrative exhibits, must be exchanged 10 days prior to trial. Failure to comply with this paragraph will result in the exclusion of witness/exhibits at trial.
4. **ALL MOTIONS INCLUDING DISPOSITIVE MOTIONS**: Filed by May 8, 2009.

5. **MOTIONS IN LIMINE**: Served no later than 5 days prior to trial; Set for hearing/decided no later than the Friday before trial, unless otherwise directed by the Court.
6. **RULINGS ON OBJECTIONS TO TRIAL DEPOSITIONS** (Local Rule 18): Parties shall provide Designation of Deposition Testimony to opposing parties no later than **40 days** before trial; Objections shall be served no later than **30 days** before trial; Set for hearing/decided no later than **20 days** before trial.
7. **OBJECTION TO EXPERT TESTIMONY**: Objections to expert witnesses shall be Included in the Pretrial Conference Order; The Court will set a briefing schedule and a Daubert hearing date at the Pretrial.
8. **MEDIATION**: Completed by Pretrial Conference, unless otherwise approved by the Court.
9. **PRE-TRIAL CONFERENCE DATE AND TIME**: June 11, 2009, at 10:30 A.M.
10. **JURY**: √ / **NON-JURY** ; Party requesting jury trial shall immediately pay jury fee, per 28 O.S. §152.1. ESTIMATED TIME FOR TRIAL: Two (2) weeks.
11. **TRIAL DATE**: June 22, 2009.
12. **REQUESTED JURY INSTRUCTIONS**: File complete set, including verdict forms, on Friday prior to the first day of trial and provide a copy along with a disk (Word Perfect) for the Court.
13. **TRIAL BRIEF/PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**: At Court's request.
14. **PRETRIAL CONFERENCE ORDER**: Agreed to and delivered to the Court at Pretrial. DO NOT file the unsigned original Pretrial Conference Order with the Court Clerk.

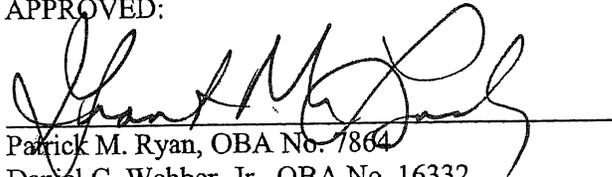
IT IS FURTHER ORDERED: Failure to comply with the requirements set forth in paragraphs 4, 5, 6, & 7 waives the legal issue or objection. This schedule may be modified only upon written motion in compliance with Local Rule 20, for good cause shown and by Order of this Court prior to the dates scheduled. Failure to comply with this Order may result in sanctions pursuant to Rule 5 (J) of the Rules of the District Courts. **FAILURE TO APPEAR AT PRETRIAL CONFERENCE MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT OR DISMISSAL ORDER, AT THE COURT'S DISCRETION, WITHOUT FURTHER NOTICE TO THE PARTIES.**

Dated: 4/20/09



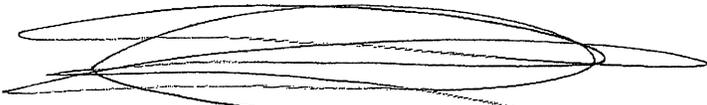
JUDGE OF THE DISTRICT COURT

APPROVED:



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