

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HMC ASSETS, LLC SOLELY IN ITS  
CAPACITY AS SEPARATE TRUSTEE OF  
CAM MORTGAGE TRUST 2013-1,  
Plaintiff,

v.

CIVIL ACTION NO.  
14-10321-MBB

MARION R. CONLEY,  
Defendant.

**ORDER FOR PRETRIAL MEMORANDUM**

October 14, 2016

**BOWLER, U.S.M.J.**

The above-entitled action will be called for a Final Pretrial Conference on **January 4, 2017 at 2:30 P.M.** in Courtroom 25, 7<sup>th</sup> Floor, John Joseph Moakley Courthouse, One Courthouse Way, Boston, Massachusetts. Trial is scheduled for **January 23, 2017 at 9:00 A.M.**

On or before the close of business on **December 28, 2016**, the parties shall file, either jointly or separately, a pretrial memorandum. The pretrial memorandum shall set forth:

1. A concise summary of evidence that will be offered by (a) Plaintiff, and (b) Defendant, with respect to both liability and damages (including special damages, if any);

2. The facts established by pleadings or by stipulations or admissions of counsel;

3. Contested issues of fact;
4. Any jurisdictional questions;
5. Any questions raised by pending motions;
6. Issues of law including evidentiary questions,  
together with supporting authority;
7. Any requested amendments to the pleadings;
8. Any additional matters to aid in the disposition of  
the action;
9. The probable length of the trial;
10. The names and addresses of witnesses who shall testify  
at the trial, and the purpose of the testimony of each witness,  
i.e., whether factual, medical, expert, etc. Unless the  
qualifications of any medical or other expert witness are  
admitted, a brief statement of the qualifications of such  
witness shall be included;
11. The proposed exhibits;
12. Proposed juror questions to be addressed to the  
venire;

13. Joint proposed jury instructions. The parties shall confer and reach an agreement on each proposed jury instruction. In the event the parties cannot agree upon one or more of the proposed instructions, they may submit alternative proposed instructions which shall contain citations to legal authority to support the particular language employed. Proposed instructions are not required on preliminary matters such as burden of proof and credibility. A party may submit proposed instructions during the trial only if the evidence develops otherwise than as reasonably anticipated. In the event a party wishes to submit additional proposed instructions during trial on matters that could have been reasonably anticipated, the party should seek and obtain leave of court before submitting any such instructions.

14. A party shall include a statement in the pretrial memorandum whether he or she will require daily copy of the trial transcript.

15. A party who intends to object to the qualifications of an expert witness, or to the introduction of any proposed exhibit, shall give written notice of the grounds of objection, together with supporting authority to all other parties, on or before **December 28, 2016**, a copy of said notice to be filed with the Clerk.

Failure to comply with any of the directions set forth above may result in judgment or dismissal or default or the imposition of other sanctions deemed appropriate by the Court.

The parties shall notify the court immediately if this case will not proceed to trial. The above pretrial memorandum instructions should be disregarded if the parties elect to proceed jury waived.

/s/ Marianne B. Bowler

**MARIANNE B. BOWLER**

United States Magistrate Judge