

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

**THE TRAVELERS HOME AND)
MARINE INSURANCE COMPANY,)**

Plaintiff,

v.

2:16-cv-00169-JDL

**MERRILL KIMBALL, and)
KATHLEEN KELLEY,)
Individually and as Personal)
Representative of the Estate of)
Leon Kelley,)**

Defendants.

ORDER

A case management conference was held this day. Tracy Hill, Esq., appeared for the plaintiff and Russell Pierce, Esq., appeared for the defendants. Based upon the matters discussed, it is ORDERED as follows:

1. Defendants may withdraw their motion to dismiss, and file an answer and counterclaim by October 31, 2016.
2. Following the filing of the plaintiff's answer to the defendants' counterclaim, the Clerk will schedule a judicially-assisted settlement conference.
3. If a judicially-assisted settlement is not reached, the parties shall file cross-summary judgment motions on the issue of collateral estoppel within 30 days of the final settlement conference, subject to the following:

A. The parties shall seek to stipulate to the facts and to file a written stipulation. Their respective statements of material fact shall be limited to those facts that they reasonably expect the other party will deny.

B. Plaintiff will file with its summary judgment motion its memorandum of law in support. Defendants shall not file their memorandum of law with their summary judgment motion, but shall instead file their memorandum of law within 21 days of the plaintiff's memorandum of law.

C. Plaintiff may file a memorandum of law in rebuttal within 14 days thereafter. Defendants may file a memorandum of law in sur-rebuttal within 7 days thereafter.

D. The memoranda of law, to the extent a party deems it appropriate, may incorporate by reference the arguments made in the memoranda of law submitted in connection with the Defendants' motion to dismiss.

4. Discovery is ordered stayed until the Court has acted on the cross-motions for summary judgment.

SO ORDERED.

Dated this 17th day of October, 2016.

/s/ Jon D. Levy
U.S. DISTRICT JUDGE