

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**SPYRIDON C. CONTOGOURIS &
STEPHEN A. BALDWIN**

VERSUS

**WESTPAC RESOURCES, LLC, PATRICK
N. SMITH, KEVIN COSTNER &
RABOBANK, N.A.**

CIVIL ACTION

NO. 10-4609

**SECT. "F" (1)
JUDGE MARTIN L.C. FELDMAN**

**MAGISTRATE JUDGE SALLY
SHUSHAN**

TRIAL MANAGEMENT SCHEDULE

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Spyridon C. Contogouris and Stephen A. Baldwin, and Defendants, Westpac Resources, LLC, Patrick N. Smith and Kevin Costner, who submit this Trial Management Schedule indicating the order in which witnesses are anticipated to be called by Plaintiffs in their case-in-chief and Defendants in their case-in-chief and the estimated amount of time for testimony of direct examination, cross-examination and rebuttal.

The Plaintiffs anticipate calling the following witnesses in the order indicated:

1. Patrick Smith¹
 - Direct Examination: 3-5 hours
 - Cross-Examination: by Smith: 1-2 hours (3-5 hours if Smith not allowed to testify during defendants' case)
 - Cross-Examination: by PacWest: .50 hour (1-3 hours if Smith not allowed to testify during defendants' case)
 - Cross-Examination: by Costner: .50 hour (1-3 hours if Smith not allowed to testify during defendants' case)
 - Rebuttal: .50 hours

¹ Plaintiffs object to counsel for each Defendant being allowed to examine, cross-examine and/or re-examine each witness because Defendants have entered into a Joint Defense Agreement and previously represented to the Court that their interests are aligned.

2. Ted Skokos
(via deposition if unavailable in person)
Direct Examination: 1-2 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours
3. Franco Valobra individually and/or as OTS representative²
Direct Examination: 1-2 hours
Cross-Examination: by PacWest: 1-2 hours
Cross-Examination: by Smith: .50 hour
Cross-Examination: by Costner: .50 hour
Rebuttal: .50 hours
4. Louis Alvarez
(via deposition if unavailable in person)
Direct Examination: 1.50-2.50 hours
Cross-Examination: 1-2.50 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours
5. Frank Levy
Direct Examination: 1-2 hours
Cross-Examination: by Costner: 1-2 hours
Cross-Examination: by PacWest: .50 hour
Cross-Examination: by Smith: .50 hour
Rebuttal: .25 hours
6. Daniel Grigsby
(via deposition if unavailable in person)
Direct Examination: 2-3 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .50 hours
7. Rod Lake
(via deposition if unavailable in person)
Direct Examination: .50 – 1 hour
Cross Examination by PacWest: 2-4 hours
Cross Examination by Costner: 1-2 hours
Cross Examination by Smith: .50-1 hour
Rebuttal: .25 hours
8. Kevin Costner

² Defendants object to the attempted designation of Mr. Valobra “as OTS representative,” because OTS, a non-party, has not made that designation and plaintiffs do not choose who another entity’s representative may be.
{N0589944 -}

Direct Examination: 2-3 hours

Cross-Examination: by Costner: .50-1 hour (2-4 hours if Costner not allowed to testify during defendants' case)

Cross-Examination: by PacWest: .50-1 hour (1-2 hours if Costner not allowed to testify during defendants' case)

Cross-Examination: by Smith: .50-1 hour (1-2 hours if Costner not allowed to testify during defendants' case)

Rebuttal: .50 hours

9. Bret Sheldon
(via deposition if unavailable in person)
Direct Examination: 1-2 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours
10. Justin Maxwell
(via deposition if unavailable in person)
Direct Examination: 1-2 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours
11. Melissa Pierce
Direct Examination: 1 hour
Cross-Examination: by PacWest: .50-1 hour
Cross-Examination: by Smith: .50-1 hour
Cross-Examination: by Costner: .50-1 hour
Rebuttal: .25 hours
12. Bryan Bates
(via deposition if unavailable in person)
Direct Examination: 1-2 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours
13. Chuck Jounadot
Direct Examination: 1-2 hours
Cross-Examination: by Smith: 1-2 hours
Cross-Examination: by PacWest: .50-1 hour
Cross-Examination: by Costner: .50-1 hour
Rebuttal: .25 hours
14. Terri Sablan
(via deposition if unavailable in person)
Direct Examination: 1-2 hours
Cross-Examination: 1-2 hours (assuming witness testifies by deposition)
Rebuttal: .25 hours

15. Quynh Schooter
(via deposition if unavailable in person)
Direct Examination: .50 hour
Cross-Examination: .50-1 hour (assuming witness testifies by deposition)
Rebuttal: .25 hours
16. John Houghtaling
Direct Examination: 3-4 hours
Cross-Examination: by Smith: 1-2 hours (2-4 hours if Houghtaling not allowed to testify during defendants' case)
Cross-Examination: by Costner: .50-1 hour (1-2 hours if Houghtaling not allowed to testify during defendants' case)
Cross-Examination: by PacWest: .50-1 hour (1-2 hours if Houghtaling not allowed to testify during defendants' case)
Rebuttal: .50 hours
17. Tommy Tucker
Direct Examination: .50-1 hour
Cross-Examination: by Costner: .50-1 hour
Cross-Examination: by Smith: .25-.50 hours
Cross-Examination: by PacWest: .50-.50 hours
Rebuttal: .25 hours
18. Eleanor Farnsworth
(via deposition if unavailable in person)
Direct Examination: .50-1 hour
Cross-Examination: .50 hour (assuming witness testifies by deposition)
Rebuttal: .25 hours
19. Doug Suttles
(via deposition if unavailable in person)
Direct Examination: 1 hour
Cross-Examination: 1 hour (assuming witness testifies by deposition)
Rebuttal: .25 hours
20. Ken Boudreaux/John Page
Direct Examination: 1-2 hours
Cross-Examination: by Smith: 1-2 hours
Cross-Examination: by Costner: .50-1 hour
Cross-Examination: by PacWest: .50-1 hour
Rebuttal: .50 hours

21. Stephen A. Baldwin
Direct Examination: 1-2 hours
Cross-Examination: by Costner: 1-2 hours
Cross-Examination: by Smith: .50-1 hour
Cross-Examination: by PacWest: .50-1 hour
Rebuttal: .50 hours
22. Spyridon C. Contogouris
Direct Examination: 2-4 hours
Cross-Examination: by Smith: 2-3 hours
Cross-Examination: by Costner: 1-2 hours
Cross-Examination: by PacWest: .1-2 hours
Rebuttal: .50 hours

The Defendants anticipate calling the following witnesses in the order indicated:

1. John Houghtaling
Direct Examination (if allowed) by Smith: 2-4 hours
Direct Examination (if allowed) by PacWest: 1-2 hours
Direct Examination (if allowed) by Costner: 1-2 hours
Cross-Examination: .50 – 1 hours
Rebuttal: .50-1 hours
2. Scott Smith
Direct Examination by Costner: 1-2 hours
Direct Examination by Smith: .50-1 hour
Direct Examination by PacWest: .50-1 hour
Cross-Examination: .50 – 1 hours
Rebuttal: .50 hours
3. Dave Roberts
(via deposition if unavailable in person)
Direct Examination: 2-3 hours (assuming witness testifies by deposition)
Cross-Examination: .50 – 1 hours
Rebuttal: .50 hours
4. Spyridon Contogouris [if necessary]
Direct Examination by Smith: 1-2 hours
Direct Examination by PacWest: .50-1 hour
Direct Examination by Costner: .50-1 hour
Cross-Examination: .50 – 1 hours
Rebuttal: .50 hours

5. Stephen Baldwin [if necessary]
 - Direct Examination by Smith: .50-1 hour
 - Direct Examination by PacWest: .50-1 hour
 - Direct Examination by Costner: .50-1 hour
 - Cross-Examination: .50 – 1 hours
 - Rebuttal: .50 hours
6. Christopher Contogouris
(via deposition if unavailable in person)
 - Direct Examination: 1-3 hours (assuming witness testifies by deposition)
 - Cross-Examination: .50 – 1 hours
 - Rebuttal: .25-.50 hours
7. Patrick Smith
 - Direct Examination (if allowed) by Smith: 3-5 hours
 - Direct Examination (if allowed) by PacWest: 1-2 hours
 - Direct Examination (if allowed) by Costner: 1-2 hours
 - Cross-Examination: .50 – 1 hours
 - Rebuttal: .50-1 hours
8. Richard Morrison
(via deposition if unavailable in person)
 - Direct Examination: 2-3 hours (assuming witness testifies by deposition)
 - Cross-Examination: .50 – 1 hours
 - Rebuttal: .25-.50 hours
9. Karen Westall
(via deposition if unavailable in person)
 - Direct Examination: 1-2 hours (assuming witness testifies by deposition)
 - Cross-Examination: .50 – 1 hours
 - Rebuttal: .25 hours
10. Holly Sharp
 - Direct Examination by Smith: 1-2 hours
 - Direct Examination by PacWest: .50-1 hour
 - Direct Examination by Costner: .50-1 hour
 - Cross-Examination: 1.0 – 1.50 hours
 - Rebuttal: .50 hours
11. Rod Lake
 - Direct Examination by PacWest: 2-4 hours
 - Direct Examination by Costner: 1-2 hours
 - Direct Examination by Smith: .50-1 hour
 - Cross-Examination: .50 – 1.0 hours
 - Rebuttal: .25-.50 hours

12. Bret Sheldon
(via deposition if unavailable in person)
Direct Examination: 1-2 hours (assuming witness testifies by deposition)
Cross-Examination: .50 hours
Rebuttal: .25-.50 hours
13. Kevin Costner
Direct Examination (if allowed) by Costner: 2-4 hours
Direct Examination (if allowed) by PacWest: 1-2 hours
Direct Examination (if allowed) by Smith: .50-1 hour
Cross-Examination: .50 – 1 hours
Rebuttal: .50-1 hours

However, because the Court has indicated that, over defendants' objection, if witnesses will only be allowed to testify one time, defendants, reserving all rights and objections, offer that they would anticipate the order of their remaining witnesses to be:

1. Richard Morrison
Direct Examination: 2-3 hours (assuming witness testifies by deposition)
Cross-Examination: .50 – 1 hours
Rebuttal: .25-.50 hours
2. Karen Westall
Direct Examination: 1-2 hours (assuming witness testifies by deposition)
Cross-Examination: .50 – 1 hours
Rebuttal: .25-.50 hours
3. Christopher Contogouris
Direct Examination: 1-3 hours (assuming witness testifies by deposition)
Cross-Examination: .50 -1 hours
Rebuttal: .25-.50 hours
4. Holly Sharp
Direct Examination by Smith: 1-2 hours
Direct Examination by PacWest: .50-1 hour
Direct Examination by Costner: .50-1 hour
Cross-Examination: 1.0 – 1.50 hours
Rebuttal: .50 hours

5. Dave Roberts
(via deposition if unavailable in person)
Direct Examination: 2-3 hours (assuming witness testifies by deposition)
Cross-Examination: .50 – 1 hours
Rebuttal: .50 hours
6. Scott Smith
Direct Examination by Costner: 1-2 hours
Direct Examination by Smith: .50-1 hour
Direct Examination by PacWest: .50-1 hour
Cross-Examination: .50 – 1 hour
Rebuttal: .25-.50 hours

Respectfully submitted,

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