

**IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS  
DIVISION VII**

MATTHEW AND SARAH MCGRATH,  
Husband and Wife

PLAINTIFFS

V.

CASE NO.: 04CV-23-333

JUPITER RENTALS, LLC, and  
MARRS CONSTRUCTION, INC.

DEFENDANTS

**ORDER SETTING JURY TRIAL**

The above-captioned cause is hereby set for a **Five-day Jury Trial beginning on September 23, 2024 at 9:00 a.m.**, in Room 231 of the Benton County Courthouse, Bentonville, Arkansas. *Counsel shall be present in chambers at 8:45 a.m. on the morning of trial.*

The following deadlines will be followed:

1. All pleadings naming additional parties shall be filed one-hundred and twenty (120) days before trial.
2. Written discovery shall be completed ninety (90) days before trial; depositions shall be completed thirty (30) days prior to trial; no dispositive motions shall be filed within sixty (60) days of trial.
3. Counsel shall exchange witness and exhibit lists no later than the date set forth in paragraph 8 below and provide a copy of such lists to the Court.
4. All motions in limine shall be filed no later than August 23, 2024.

5. Counsel shall submit jury instructions no later than the date set forth in paragraph 8 below as follows:

(a) One set of jury instructions shall be submitted by counsel for the parties which are agreed upon and undisputed.

(b) Each party shall submit a set of instructions which they propose to submit but are in dispute by the other parties to the lawsuit.

6. ***Counsel shall send a hard copy, as well as via e-mail (in WORD format, font: TIMES NEW ROMAN, pitch: 12) to [liviet.christians@bentoncountyar.gov](mailto:liviet.christians@bentoncountyar.gov), of the proposed instructions.*** Jury instructions shall be entitled “Instruction No. \_\_\_\_\_,” and shall contain no language identifying them as Plaintiff’s or Defendant’s requested instructions.

7. ***Counsel are advised that they shall provide a set of jury instructions that have been thoroughly reviewed and corrected for all spelling, grammatical, formatting, etc. errors and submit such a set of instructions to the Court.***

8. If the witness list, exhibit list, and jury instructions have not been submitted to the Court by **September 5, 2024**, counsel may be held in contempt for failure to comply with this Court’s Order Setting Jury Trial.

9. ***If an interpreter is needed for any witness scheduled to testify, counsel shall notify the Court no later than August 23, 2024.***

10. The number of jurors to be called from the jury pool for this case will be thirty-five (35).

11. An in person pretrial hearing to consider all outstanding motions and pretrial matters will be held on **September 5, 2024 @ 9:00 a.m.**

12. The parties are ordered to attend mediation no later than September 29, 2023 and report back to the court with the results following the mediation.

IT IS SO ORDERED this 20<sup>th</sup> day of July, 2023.

*This Document Electronically Signed By:*  
*Christine Horwart*  
CIRCUIT JUDGE

cc: Court File  
Tim F Watson, Attorney for Plaintiff  
VIA EFLEX

Timothy J. Anderson, Attorney for Defendant  
VIA EFLEX

This document has been filed electronically.



**Case Title:** MCGRATH ETAL V JUPITER ETAL

**Case Number:** 04CV-23-333

**Type:** SCHEDULING ORDER

So Ordered

A handwritten signature in black ink, appearing to read "Christine Horwart".



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JUDGE CHRISTINE HORWART