



b. Admissibility of Alan Mazzola's Prior Testimony: The parties have agreed that if the former Deputy Commissioner of the Department of Administrative Services, Alan Mazzola, is unavailable to testify at the trial in this matter, then the parties may use Mr. Mazzola's prior testimony during the proceedings before the Employees Review Board under Rule 804(b)(1). However, the parties reserve the right to object to Mr. Mazzola's prior testimony for other reasons (including as to relevance, hearsay, form of the question, etc.). Also, the defendants have not waived their right to call him as a witness at trial if he is available and/or to submit an affidavit from him in support of a motion for summary judgment.

c. Deposition of Attorney General Blumenthal: The plaintiff and the Office of the Attorney General resolved this issue such that it was not necessary for the plaintiff to depose Attorney General Richard Blumenthal. Instead, Attorney General Blumenthal's office provided responses to written discovery to the satisfaction of the plaintiff. The parties anticipate discussing stipulations of fact related to such responses in advance of trial. Some concerns regarding claims of attorney-client privilege remain with regard to an email string that to date has only been provided in redacted form. If the parties are unable to reach agreement on this issue, the plaintiff will likely seek a ruling from the Court in advance of trial.

(4) The parties are making efforts, including by discussing the issues identified in (3) above, to avoid unnecessary proof and cumulative evidence. The parties do not presently anticipate offering testimony of any experts under Fed. R. Evid. 702.

(5) The defendants' Motion for Summary Judgment was filed on April 15, 2008, the plaintiff filed his Memorandum in Opposition to the defendants' motion on May 16, 2008, and the defendants' Reply brief was filed on June 16, 2008.

(6) Discovery closed on February 1, 2008. A detailed description of the discovery conducted through the date of this report is provided below.

(7) The parties will identify witness and documents, the need and schedule for filing and exchanging pretrial briefs, and the date for further conferences, if any, in accordance with the Court's Scheduling Order including as required by the Court's Pretrial Order.

(8) The parties do not believe there is any present need to refer any matter or issue to a magistrate judge or master.

(9) The parties do not believe that further settlement discussions including through use of special procedures would be helpful at this time.

(10) The parties will comply with the requirements of the Court's Pretrial Order in submitting the Trial Memorandum in accordance with the Court's Scheduling Order.

(11) The only motion presently pending before the Court is the defendants' Motion for Summary Judgment.

(12) The parties do not believe there is any present need for adopting special procedures in this matter.

(13) The parties do not intend to request an order for a separate trial for any claims or issues in this case.

(14) The parties do not presently intend to request an order directing a party to present evidence early in the trial with respect to an issue that could, on the evidence,



