

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. *Defendants object to initial disclosures at this time in this proceeding because Defendants contend that no legally viable claims have been asserted against them. Defendants propose that the Court order that, if any claims survive Defendants' pending motions to dismiss, initial disclosures should be made as to such claims on or before thirty (30) days after the Court's ruling on the motions to dismiss.*
2. Plaintiff proposes that initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34 shall be served on opposing parties by November 16, 2012. *Defendants propose that initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34, shall be served by sixty (60) days after the Court's ruling on a Defendant's pending motion to dismiss, as between Plaintiff and any Defendant against whom claims survive the Court's ruling.*
3. Plaintiff proposes that Plaintiff's deposition shall be taken by December 14, 2012. *Defendants propose that Plaintiff's deposition shall be taken by ninety (90) days after the Court's ruling on the Defendants' pending motions to dismiss, if any claims survive.*
4. Plaintiff proposes that Defendants' depositions shall be taken by December 14, 2012. *Defendants propose that each Defendant's deposition shall be taken by ninety (90) days after the Court's ruling on that Defendant's pending motions to dismiss, if any claims against that Defendant survive.*
5. Plaintiff proposes that motions to amend the pleadings, including the commencement of a third party action, shall be filed by January 11, 2013 (which date shall be no later than 90 days following the Scheduling and Discovery conference). *Defendants propose that motions to amend the pleadings, including the commencement of a third party action, shall be filed by ninety (90) days after the Court's ruling on the Defendant's pending motions to dismiss, if any claims survive.*
6. Plaintiff proposes that expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): January 18, 2013.

Defendants' expert(s): March 1, 2013.

Third Party expert(s): March 1, 2013.

Defendants propose:

Plaintiff's expert(s): one hundred and twenty (120) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

Defendants' expert(s): one hundred and fifty (150) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

Third Party expert(s): one hundred and fifty (150) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

7. Plaintiff proposes that depositions of expert witnesses must be taken by:

Plaintiff's expert(s): February 1, 2013.

Defendants' expert(s): March 15, 2013.

Third Party expert(s): March 15, 2013.

Defendants propose:

Plaintiff's expert(s): one hundred and thirty-five (135) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

Defendants' expert(s): one hundred and sixty-five (165) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

Third Party expert(s): one hundred and sixty-five (165) days after the Court's ruling on Defendants' pending motions to dismiss, if any claims against Defendants survive.

8. Discovery shall be completed by June 1, 2013 (which date shall be no later than 115 days before the first day of the month of the presumptive trial month). Any written interrogatories or requests for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full 30 days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.
9. All dispositive motions shall be filed by June 15, 2013 (which date shall be no later than 100 days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

DATED: October 22, 2012

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LIGHTSPEED MEDIA CORPORATION,)
)
 Plaintiff,)
 v.)
)
 ANTHONY SMITH,)
 SBC INTERNET SERVICES, INC., d/b/a)
 AT&T INTERNET SERVICES;)
 AT&T CORPORATE REPRESENTATIVE #1;)
 COMCAST CABLE COMMUNICATIONS,)
 LLC., and COMCAST CORPORATE)
 REPRESENTATIVE #1)
)
 Defendants.)
)
 _____)

No. 3:12-cv-00889-GPM-SCW
 CJRA TRACK: B
 PRESUMPTIVE TRIAL MONTH: 10/13
 Judge: Hon. G. Patrick Murphy
 Magistrate: Hon. Stephen C. Williams

SCHEDULING AND DISCOVERY ORDER

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on Order of the Court. Disclosures or discovery under Rule 26(a) of the Federal Rules of Civil Procedure are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery.

Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), the Court hereby approves and enters the Proposed Scheduling and Discovery Order as submitted by the parties/as modified at the Pretrial Scheduling and Discovery Conference.

A. A settlement conference is set before Magistrate Judge Stephen C. Williams in accordance with SDIL-LR 16.3(b) on _____ at 9:00 a.m. in Courtroom 5.

B. A final pretrial conference is set for _____ before the trial judge in accordance with SDIL-LR16.2(b).

As initially set by the Court, the presumptive trial month is _____.

IT IS SO ORDERED.

DATED: _____

United States Magistrate Judge