

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.,)
)
Plaintiffs,)
)
v.) NO. 3:01-0412
) Jury Demand
DIMENSION FILMS, et al.,) Judge Campbell/Brown
)
Defendants.)

SCHEDULING ORDER

As previously directed, the plaintiffs served a proposed scheduling order with their amended complaint. Plaintiffs discussed the proposed order with counsel who contacted them and have submitted a revised proposed scheduling order. A hearing on this matter was held on November 2, 2001. After due consideration the following scheduling order is entered.

(a) Written Discovery. The parties will serve all written discovery in sufficient time so that responses will be due by January 15, 2002, except that documents may be requested beyond that date if they are sought pursuant to requests at depositions based upon testimony, or if additional information is learned that was not previously available. Written discovery will be limited to written interrogatories, and document requests. Supplementations under Rule 26(e) are due reasonably promptly upon learning of the incompleteness of a response. Requests for admissions may be served at any time so long as responses are due to be received no later than fifteen days before the close of all discovery on May 21, 2002. Requests for admissions that deal solely with trial issues rather than any dispositive motions may be filed at a later date consistent with the trial judge's orders and the Local Rules.

(b) Depositions. Oral depositions, other than expert depositions, will be completed by May 21, 2002.

(c) Plaintiffs' Experts. By the close of business on February 15, 2002, plaintiffs shall make their initial disclosures of expert witnesses and provide the information required by Rule 26(a)(2)(B). To the extent that multi-track master recordings, if any, are not produced in sufficient

time to be reviewed and/or incorporated in the initial reports of plaintiffs' experts, plaintiffs' experts shall be allowed a reasonable amount of time to supplement such reports.

(d) Defendants' Experts. By the close of business on April 17, 2002, defendants shall make expert disclosures and provide the information required by Rule 26(a)(2)(B). If requested by the specific defendants identified below in this section (d), plaintiffs will consent to an extension of this deadline if plaintiffs do not, by December 1, 2001, produce to the defendants who had requested such via written discovery, those sample tapes that were in existence and in plaintiffs' possession, custody or control at the time the original action was filed. If such an extension is granted, however, those defendants will still allow plaintiffs the same amount of time to file a rebuttal report (approximately 30 days) as agreed.

(e) Rebuttal Reports and Expert Depositions. Plaintiffs shall make rebuttal expert disclosures by May 15, 2002. Plaintiffs and defendants agree to make their expert witnesses available for depositions after April 17, 2002, the deadline for the submission of the initial reports of defendants' experts, but before the date that dispositive motions are due. Plaintiffs further agree that if an expert retained by plaintiffs submits a rebuttal expert disclosure after his or her deposition, defendants shall be entitled to depose the expert again on the subject of the rebuttal report. Furthermore, although the parties agree that depositions of defendants' experts may take place after the June 4, 2002 deadline for the service of dispositive motions, plaintiffs agree to make their experts available for deposition in advance of the June 4, 2002 deadline. No extensions will be allowed which jeopardize the trial date. If necessary, the trial may proceed on the written statements of the experts without depositions.

(f) Discovery cut-off. Except as noted above, all discovery shall be completed by May 21, 2002. The trial may proceed as scheduled even if all discovery is not completed.

(g) Dispositive Motions. Dispositive motions, if any, shall be filed by June 4, 2002. Responses, if any, to dispositive motions shall be filed by July 9, 2002. No reply briefs will be filed.

If dispositive motions are filed earlier, the response date for that motion shall be moved up accordingly.

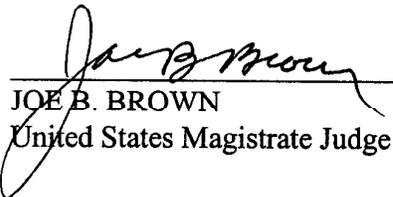
(h) Protective Order. Plaintiffs and defendants have already agreed to several protective orders, and will continue to agree to such orders where deemed necessary by the parties.

(i) Amendment of Pleadings and Addition of New Parties. The last date for the amendment of pleadings and the addition of new parties is April 1, 2002, and any motions relating to the amendment of pleadings or the addition of new parties must be filed and served far enough in advance of April 1, 2002 to allow briefing of the motions to be completed by April 1, 2002. The District Judge will schedule final pretrial conferences at a later date to be announced by the District Judge.

(j) Alternate Dispute Resolution considerations: Any party desiring to employ alternate dispute resolution should confer with concerned counsel and attempt to schedule alternate dispute resolution as soon as practical. Absent extraordinary circumstances, scheduling order deadlines will not be extended because of alternate dispute resolution. The parties should also consider the use of private mediators since the judicial settlement availability will be limited. The Magistrate Judge would urge the parties to consider whether their clients are best served by lengthy discovery disputes and what seems to be excessive discovery matters by both sides. This may not be money or time well spent. The attorneys are **directed** to furnish this Order to their clients and to discuss it with their clients with a view towards either alternate dispute resolution or a simpler trial strategy, if the case must be tried.

The Clerk will post this Order on the Court's webpage, www.tnmd.uscourts.gov, under Bridgeport General Orders, entitled "Scheduling Orders: All Cases".

It is so **ORDERED**.



JOE B. BROWN
United States Magistrate Judge