



1 III. Summary of Pleadings.

2 1. The parties will submit a background statement of the  
3 case, uncontested facts, and contested facts.

4 IV. Orders Re Amendments To Pleadings.

5 1. On October 13, 2010, Plaintiffs filed a First Amended  
6 Complaint. Plaintiffs do not anticipate any additional  
7 amendments or the joinder of any additional parties.

8 2. On March 15, 2011, the Court issued an order denying  
9 Mr. Wilkins' motion to dismiss the Amended Complaint. As such,  
10 Mr. Wilkins' and Mitsubishi's answers are now due to be filed on  
11 March 29, 2011. Fed. R. Civ. P. 12(a)(4)(A). Because no answer  
12 has been filed, Mr. Wilkins and Mitsubishi currently foresee no  
13 amendments being required. Nor do Mr. Wilkins or Mitsubishi  
14 currently foresee joining any additional parties. In the event  
15 that amendment becomes necessary, Mr. Wilkins and/or Mitsubishi  
16 will seek to amend as provided for in Rule 15 of the Federal  
17 Rules of Civil Procedure.

18 3. MHI was granted intervenor status pursuant to Fed. R.  
19 of Civ. Proc., Rule 24(a).

20 V. Pending Matters.

21 1. The timing for dispositive motions is set forth in the  
22 Joint Scheduling Conference Statement by the parties. On January  
23 24, 2011, the Court heard Wilkins' motion to dismiss the first  
24 amended complaint (Doc. 96), Mitsubishi's motion for intervention  
25 (Doc. 125) and GE's motion for sanctions against Wilkins (Doc.  
26 97). On February 25, 2011, the Court granted Mitsubishi's motion  
27 for intervention by written order. (Doc. 166). On March 15,  
28 2011, the Court denied Defendant's motion to dismiss (Doc. 173).

1 The Court has not issued a written order on GE's motion for a  
2 preliminary injunction or its motion for sanctions. Plaintiffs  
3 currently have pending an application for contempt against  
4 Defendant (Doc. 90), which has not been granted and for which a  
5 hearing date has not been set.

6 VI. Factual Summary.

7 A. Admitted Facts Which Are Deemed Proven Without Further  
8 Proceedings.

9 1. General Electric Company is a New York  
10 corporation.

11 2. GE Wind Energy, LLC is a Delaware limited  
12 liability company.

13 3. Thomas Wilkins is an individual.

14 4. Mitsubishi Heavy Industries is a corporation  
15 incorporated under the laws of the Country of Japan.

16 5. Mitsubishi Power Systems is a corporation  
17 incorporated under the laws of the State of Delaware.

18 B. Contested Facts.

19 1. The parties will submit a supplemental Joint  
20 Scheduling Conference Statement containing contested facts.

21 VI. Legal Issues.

22 A. Uncontested.

23 1. Jurisdiction exists under 28 U.S.C. § 1332 based  
24 on the diversity of the parties and the amount on controversy in  
25 excess of \$75,000.00.

26 2. Venue is proper under 28 U.S.C. § 1391.

27 B. Contested.

28 1. The parties will submit a supplemental Joint

1 Scheduling Conference Statement setting forth contested issues of  
2 law.

3 VII. Consent to Magistrate Judge Jurisdiction.

4 1. The parties have not consented to transfer the  
5 case to the Magistrate Judge for all purposes, including trial.

6 VIII. Corporate Identification Statement.

7 1. Any nongovernmental corporate party to any action in  
8 this court shall file a statement identifying all its parent  
9 corporations and listing any entity that owns 10% or more of the  
10 party's equity securities. A party shall file the statement with  
11 its initial pleading filed in this court and shall supplement the  
12 statement within a reasonable time of any change in the  
13 information.

14 IX. Discovery Plan and Cut-Off Date.

15 1. The parties will also submit a discovery plan. The  
16 parties will file a supplemental joint scheduling statement on or  
17 before April 1, 2011. On April 7, 2011 at 8:15 a.m. a Further  
18 Scheduling Conference shall be held. All parties are authorized  
19 to appear telephonically.

20 2. The parties exchanged initial disclosures on January  
21 14, 2011. Mitsubishi served its initial disclosures on March 22,  
22 2011.

23

24 IT IS SO ORDERED.

25 Dated: March 24, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

26

27

28