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 MINORITY TELEVISION PROJECT, INC

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 FEDERAL COMMUNICATIONS COMMISSION and  
 17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21	MINORITY TELEVISION PROJECT, INC.	)	Case No. C 06-2699 EDL
22		)	
23	Plaintiff,	)	<b>STIPULATION AND [PROPOSED] ORDER</b>
24	v.	)	<b>TO MODIFY CASE MANAGEMENT AND</b>
25	FEDERAL COMMUNICATIONS	)	<b>PRETRIAL ORDER FOR COURT TRIAL</b>
26	COMMISSION and UNITED STATES OF	)	
27	AMERICA,	)	
28	Defendants.	)	

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STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE MANAGEMENT AND PRETRIAL ORDER  
 FOR COURT TRIAL  
 Case No. C-06-2699 EDL

1 WHEREAS, the defendants, the United States of America and the Federal Communications  
2 Commission (collectively "Defendants") request a modification to the Case Management and Pretrial  
3 Order for Court Trial ("Pretrial Order") issued by this Court on February 21, 2008, due to hospitalization  
4 of lead attorney, Melissa Brown Assistant United States Attorney;

5 WHEREAS, Ms. Brown was hospitalized, underwent two emergency surgeries, and  
6 consequently was out of the office and not able to work full-time from the period of August 7, 2008  
7 through September 2, 2008;

8 WHEREAS, Ms. Brown has been advised by her physician that her recovery could last for  
9 several months;

10 WHEREAS, as a result of Ms. Brown's absence from work due to illness and recovery, the  
11 parties, *i.e.* plaintiff Minority Television Project, Inc. ("Plaintiff") and the Defendants have agreed to the  
12 proposed modification to the Pretrial Order:

13 Discovery

- 14
- 15 • Non-expert fact discovery shall close on December 1, 2008;
  - 16 • Initial Expert Disclosures shall be due on January 12, 2009;
  - 17 • Rebuttal Expert Disclosure shall be due on January 26, 2009;
  - 18 • Expert Discovery shall be completed no later than February 20, 2009;

19 Case Management

- 20 • Further Case Management Conference February 11, 2008.

21 Dispositive Motions

- 22 • Defendants' Opening Brief shall be due on March 20, 2009;
- 23 • Plaintiff's Opening and/or cross motion shall be due on April 10, 2009;
- 24 • Defendants' Reply Brief shall be due on April 24, 2009;
- 25 • Plaintiff's Reply Brief shall be due on May 8, 2009;
- 26 • Dispositive Motion hearing shall be held on June 2, 2009;

27 Trial

- 28 • Pretrial Conference shall be held on August 4, 2009;

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- Trial shall begin on August 17, 2009

WHEREAS the parties respectfully request that the Court adopt the proposed aforementioned modification to the Pretrial Order.

DATED: September 10, 2008

Respectfully submitted,

ANDREW A. AUGUST  
JOHN L. FITZGERALD  
WALTER E. DIERCKS

/s Walter Diercks

\_\_\_\_\_  
WALTER E. DIERCKS  
Attorneys for Plaintiff Minority Television Project

DATED: September 10, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

/s Melissa K. Brown

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MELISSA K. BROWN  
Assistant United States Attorney  
Attorneys for the Defedants

1 **[PROPOSED] ORDER**

2 The Case Management and Pretrial Order for Court Trial (“Pretrial Order”) issued by this Court  
3 on February 21, 2008 shall be modified as follows:

4 Discovery

- 5 • Non-expert fact discovery shall close on December 1, 2008;
- 6 • Initial Expert Disclosures shall be due on January 12, 2009;
- 7 • Rebuttal Expert Disclosure shall be due on January 26, 2009;
- 8 • Expert Discovery shall be completed no later than February 20, 2009;

8 Case Management

- 9 • Further Case Management Conference February 11, 2008.

9 Dispositive Motions

- 10 • Defendants’ Opening Brief shall be due on March 20, 2009;
- 11 • Plaintiff’s Opening and/or cross motion shall be due on April 10, 2009;
- 12 • Defendants’ Reply Brief shall be due on April 24, 2009;
- 13 • Plaintiff’s Reply Brief shall be due on May 8, 2009;
- 14 • Dispositive Motion hearing shall be held on June 2, 2009;

14 Trial

- 15 • Pretrial Conference shall be held on August 4, 2009;
- 16 • Trial shall begin on August 17, 2009

17 **IT IS SO ORDERED.**

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19 Dated: September 11, 2008

