

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
LITIGATION

No. M 07-1827 SI  
MDL No. 1827

This Order Relates to:

**ORDER RE: JOINT CASE  
MANAGEMENT STATEMENT**

*Best Buy v. AU Optronics Corp. et al,*  
Case No. 10-CV-4572,

*Best Buy v. Toshiba Corp. et al*  
Case No. 12-CV-4114

*Costco Wholesale Corporation v. AU Optronics  
Corp. et al.,* Case No. 11-CV-00058

*Electrograph Systems, Inc. v. Epson Imaging  
Devices Corp. et al.,* Case No. 10-CV-00117

*Eastman Kodak Company v. Epson Imaging  
Devices Corp. et al.,* Case No. 10-CV-5452

*Motorola Mobility Inc. v. AU Optronics Corp. et  
al.,* Case No. 09-CV-5840

*Target Corp, et. al., v. AU Optronics Corp. et al.,*  
Case No. 10-CV-4945

On March 15, 2013, the Court held a case management conference for the Track 1B and Track 2 cases. The Court informed the parties that the Track 1B trial date would be moved to July 22, 2013, and instructed the parties to meet and confer about a revised pre-trial schedule based on this new trial date. The parties have submitted a Supplemental Joint Case Management Conference Statement, which provides a revised pre-trial schedule and raises new disputes in the scheduling. The Court addresses these issues below.

United States District Court  
For the Northern District of California

1 **1. Witness Lists, Exhibit Lists, Written Discovery Designations, and Deposition Designations**

2 The parties acknowledge that, as discussed at the conference, the Court favors a staggered  
3 approach with respect to the exchange of witness lists, exhibit lists, written discovery designations, and  
4 deposition designations. The parties dispute, however, “the dates and structure of supplemental  
5 disclosures and designations in the Track 1B cases.” Plaintiffs propose three exchanges: Plaintiffs’  
6 initial exchange, Defendants’ initial exchange, and Plaintiffs’ supplemental exchange.<sup>1</sup> Defendants  
7 agree with the dates for the first two rounds of Plaintiffs’ proposed schedule, but propose moving up the  
8 date of Plaintiffs’ supplemental exchange and including a supplemental round of Defendant  
9 designations.

10 The Court agrees with Defendants that the staggered schedule should afford Plaintiffs and  
11 Defendants each two full rounds of designations and instructs the parties to stipulate to a revised  
12 schedule based on this conclusion. Issues remaining at the conclusion of these rounds may be addressed  
13 at the pre-trial conference.

14  
15 **2. Best Buy v. Toshiba Schedule**

16 Best Buy and Toshiba request an Order from the Court approving their proposed revised  
17 schedule as to summary judgment and *Daubert* motions. The Court approves the schedule with one  
18 exception: the hearing date will be moved to **June 19, 2013, at 3:30 pm.**

19  
20 **3. Other Pre-trial dates**

21 As instructed by the Court at the conference, the parties provide a revised pre-trial schedule  
22 based on a trial date of July 22, 2013. The Court approves the revised pre-trial schedule to which the  
23 parties have stipulated, with one exception: the date for the *Daubert* hearing will be **June 12, 2013,**  
24 **at 9 am.**

25  
26 ///

27 \_\_\_\_\_  
28 <sup>1</sup>In response to Defendants’ concern that Plaintiffs may designate new material in their supplemental designation, Plaintiffs assert that the issue can be raised at the pre-trial conference.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court directs the parties to file a stipulation providing a revised schedule of all pre-trial dates in accordance with this Order.

**IT IS SO ORDERED.**

Dated: April 2, 2013

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge