

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

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

The Apple iPod iTunes Antitrust Litigation NO. C 05-00037 JW

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE; ORDER
REFERRING THIS CASE TO
MAGISTRATE JUDGE SPERO**

On May 2, 2012, the Court held a Case Management Conference in the above-captioned matter. Counsel for both parties were present. Pursuant to the discussion at the Conference, the Court ORDERS as follows:

(1) All disputes that may arise between now and August 31, 2012 are REFERRED to Magistrate Judge Spero for report and recommendation.

(2) The Court clarifies its April 23, 2012 Scheduling Order¹ as follows:

The Court finds that nothing in the Federal Rules of Civil Procedure or the Civil Local Rules would prevent Defendant from filing a motion for summary judgment addressing issues which have not yet been raised before the Court.² At both the May 2 Conference and the April 23 Status Conference, the parties acknowledged that there is an outstanding expert report that has not yet been served by Plaintiffs. In light of

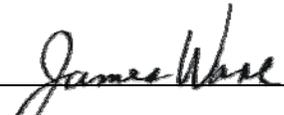
¹ (Docket Item No. 708.)

² See, e.g., Fed. R. Civ. P. 56(b) (stating that “[u]nless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery”).

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

this, the Court finds no reason to deny Defendant the ability to challenge that expert report once it becomes available, and to file any appropriate motion for summary judgment resulting from disclosures made in that expert report. Accordingly, on or before **May 20, 2012**, the parties shall meet and confer and stipulate to a suitable schedule with respect to any further dispositive motions that any party may seek to file.

Dated: May 2, 2012



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Alexandra Senya Bernay xanb@rgrdlaw.com
- Alreen Haeggquist alreenh@zhlaw.com
- 3 Andrew S. Friedman afriedman@bffb.com
- Bonny E. Sweeney bonnys@rgrdlaw.com
- 4 Brian P Murray bmurray@murrayfrank.com
- Carmen Anthony Medici cmedici@rgrdlaw.com
- 5 Caroline Nason Mitchell cnmitchell@jonesday.com
- Craig Ellsworth Stewart cestewart@jonesday.com
- 6 David Craig Kiernan dkiernan@jonesday.com
- Elaine A. Ryan eryan@bffb.com
- 7 Francis Joseph Balint fbalint@bffb.com
- George A. Riley griley@omm.com
- 8 Helen I. Zeldes helenz@zhlaw.com
- Jacqueline Sailer jsailer@murrayfrank.com
- 9 John J. Stoia jstoia@rgrdlaw.com
- Michael D Braun service@braunlawgroup.com
- 10 Michael D. Braun service@braunlawgroup.com
- Michael Tedder Scott michaelscott@jonesday.com
- 11 Robert Allan Mittelstaedt ramittelstaedt@jonesday.com
- Roy Arie Katriel rak@katriellaw.com
- 12 Thomas J. Kennedy tkennedy@murrayfrank.com
- Thomas Robert Merrick tmerrick@rgrdlaw.com
- 13 Todd David Carpenter tcarpenter@bffb.com

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: May 2, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy