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14 Managed Solutions Group, Inc.
and Steve Chen
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

18	Louis Vuitton Malletier, S.A.,)	Case No. C 07 3952 JW
19)	
20	Plaintiff,)	JOINT PRELIMINARY PRETRIAL
)	AND TRIAL SETTING CONFERENCE
21	v.)	STATEMENT AND [PROPOSED]
)	ORDER
22	Akanoc Solutions, Inc., et al.)	
)	Date: September 8, 2008
23	Defendants.)	Time: 9:00 a.m.
)	Court: Hon. James Ware

24
25 Plaintiff Louis Vuitton Malletier, S.A. (“Plaintiff”) and Defendants Akanoc Solutions, Inc.,
26 Managed Solutions Group, Inc. and Steve Chen (collectively “Defendants”) submit the following
27 Joint Preliminary Pretrial and Trial Setting Conference Statement and [Proposed] Order.
28

1 **Plaintiff Proposes:**

2 Plaintiff filed the action on or about August 1, 2007. The Defendants were served on or
3 about August 15, 2007. No Doe defendants have been identified and all Doe defendants may be
4 dismissed from the action.

5
6 The Parties are not yet ready for trial as two outstanding and material discovery issues
7 remain: (i) pursuant to Magistrate Judge Lloyd's order compelling Plaintiff to produce its Rule
8 30(b)(6) witness in the Northern District of California, Defendants were to pay one-half of actual
9 out of pocket expenses incurred by Plaintiff for such appearance which has not been paid; and (ii)
10 pursuant to Magistrate Judge Lloyd's order compelling Defendants to product documents or to
11 permit inspection of servers, the Parties report that the Defendants have made no production but the
12 Parties are attempting to negotiate the protocol for inspection provided for pursuant to the Court's
13 order. The payment of costs pursuant to (i) and the inspection pursuant to (ii) remain outstanding
14 discovery issues that will need to be resolved or completed in preparation of trial. All other
15 discovery is closed.

16
17 Additionally, Defendants have filed two motions for summary judgment which are set for
18 hearing on September 8, 2008. Plaintiff has filed timely oppositions to the motions. The
19 disposition of these motions also prevents the Parties from moving forward with trial at this time.

20
21 Given the above outstanding issues, the Parties are unable to commit to a timeline for trial
22 in terms of the amount of time for trial or the calendar period for the trial. The Parties request the
23 Court hold a Further Pretrial and Trial Setting Conference at least sixty (60) days or more from the
24 date of entry on PACER of the order(s) on Defendants' motions for summary judgment.

1 **Defendants Propose:**

2 **Readiness for Trial**

3 The Parties are preparing the protocol for Plaintiff’s upcoming inspection of Defendants
4 MSG and Akanoc’s Internet servers in accordance with the Court’s order. This case is not
5 currently ready for trial because this server inspection has not yet been completed. In addition, two
6 defense motions for summary judgment are set for hearing on September 8, 2008.
7

8 **The Amount of Time the Court Should Allocate for Trial**

9 Based upon current knowledge of witnesses and issues in this case, Defendants estimate
10 that four (4) days should be allocated for trial.
11

12 **Calendar Period for the Trial**

13 Two defense motions for summary judgment are pending and are both set for hearing
14 September 8, 2008. After the Court rules on the summary judgment motions, a further Pretrial
15 and Trial Setting Conference may be appropriate.
16

17 Dated: August 22, 2008

J. Andrew Coombs, A Professional Corp.

18 _____/s/ J. Andrew Coombs_____
19 By: J. Andrew Coombs
 Annie S. Wang
20 Attorneys for Plaintiff Louis Vuitton Malletier, S.A.

21 Dated: August 22, 2008

Gauntlett & Associates

22 _____/s/ James A. Lowe_____
23 By: David A. Gauntlett
 James A. Lowe
24 Brian S. Edwards
25 Attorneys for Defendants Akanoc Solutions, Inc.,
 Managed Solutions Group, Inc. and Steve Chen
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1 The Court, having read and considered the foregoing Joint Preliminary Pretrial and Trial
2 Setting Conference Statement, now orders:

- 3 1. All Doe defendants are dismissed. The action shall proceed against the named
4 defendants, Akanoc Solutions, Inc., Managed Solutions Group, Inc. and Steve Chen
5 only.
6
7 2. If necessary, the Court will set a _____ Conference on _____
8 after determining the two pending Motions for Summary Judgment.

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10
11 Dated: _____, 2008

12 Hon. James Ware
13 United States District Judge
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