

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01257-PAB-MEH

BIAX CORPORATION,

Plaintiff,

v.

NVIDIA CORPORATION,
SONY COMPUTER ENTERTAINMENT AMERICA, INC., and
SONY ELECTRONICS, INC.,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Plaintiff has filed a Motion for Clarification of Scheduling Order, etc. [filed May 6, 2010; docket #197]. The motion is referred to this Court for disposition. (Docket #198.) The Court finds that further briefing on this motion is unnecessary. The motion is **granted** to the extent it seeks clarification. At the scheduling conference on August 20, 2009, Plaintiff requested leave for 50 interrogatories to be served on a party (or group of parties, as the two Sony Defendants constitute). During the colloquy between Plaintiff's counsel and the Court, the Court agreed to the proposal, specifically stating that this case merited more written discovery than the presumptive limits. However, in the Scheduling Order, the Court wrote that it would permit 50 interrogatories "per side." For Plaintiff, this would mean 25 interrogatories per Defendant or group of Defendants (NVIDIA constituting one, and the two Sony Defendants one). This number of interrogatories is precisely the presumptive limit set by the federal rules. "Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including

all discrete subparts.” Fed. R. Civ. P. 33(a)(1). After listening to the recording of the August 20, 2009 scheduling conference, it is clear to me that I granted authority for the limit on interrogatories to exceed the presumptive limits. Therefore, the limit is 50 interrogatories to be served on any other party. There is no other logical conclusion, and the Scheduling Order is hereby amended to reflect the same.

Dated at Denver, Colorado, this 7th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, reading "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge