

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 10-cv-02868-MSK-KMT

L-3 COMMUNICATIONS CORPORATION, and
L-3 SERVICES, INC.,

Plaintiffs,

v.

JAXON ENGINEERING & MAINTENANCE, INC.,
JONI ANN WHITE,
RANDALL K. WHITE,
SCOTT WHITE,
SUSAN RETTIG,
CHARLES RETTIG,
JAMES YOUNGMAN,
JERRY LUBELL,
KELLY RICE,
JOHN MCCLURE, and
JOHN DOES 1-25, said names being fictitious as such names are unknown at this time,

Defendants.

ORDER

This matter is before the court on “Plaintiffs’ Corrected Emergency Motion to Amend Scheduling Order” [Doc. No. 175, replacing Doc. No. 169, filed February 15, 2012]. The Defendants responded on February 15, 2012 [Doc. No. 174] (“Resp.”) and Plaintiffs replied on February 16, 2012 [Doc. No 177] (“Reply”).

All parties are in accord that certain discovery related deadlines need to be extended in this case due to Defendants' need to obtain necessary government clearances prior to producing protected documents and tangible items, among other things. Essentially, the parties have expended their clients' money, their own time and effort and the court's time disputing a change of dates in the Scheduling Order amounting to a difference of two to three weeks at most. (*See* Resp. at 4-6 *compared to* Reply at 2.) Further, the parties dispute whether discovery deadlines, which necessarily track along with claim construction deadlines, should also be extended for a commensurate period. (*See* Resp. at 4 *compared to* Reply at 3.) Given the opportunity afforded by the parties, the court will impose its own extended schedule in keeping with its mandate to "secure the just, speedy and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

The court agrees that good cause has been shown to extend the dates for discovery and claim construction in the Scheduling Order (as amended by this court's October 3, 2011 Order). Necessary documents and inspections subject to production have been withheld due to Defendants' requirement to obtain government clearance before producing information. (*See* "Defendants' Report . . ." [Doc. No. 173] filed under restriction on February 15, 2012.)¹ This has caused, thus far, significant delay in the discovery process which, lamentably, does not appear to be at a near end.

¹ Plaintiffs are also under certain similar restrictions with respect to their own government contracts.

Therefore it is ORDERED the following new discovery deadlines will replace previous deadlines in the case:

Fact Discovery Cut-off:	June 29, 2012
Expert Discovery Cut-off:	September 17, 2012
Dispositive Motions Deadline:	January 25, 2013
Disclosure of Affirmative Experts:	July 13, 2012
Disclosure of Rebuttal Experts:	August 13, 2012
Exchange (but do not file) claim terms to be construed and preliminary claim constructions:	July 13, 2012
Meet and confer over claim terms and preliminary claim constructions:	July 18 - 20, 2012
File claims needing construction and the opposing construction of these claims, as limited by the Court:	August 10, 2012
Parties exchange (but do not file) Opening Claim Construction Briefs and supporting evidence:	August 31, 2012
Parties exchange (but do not file) Responsive Claim Construction Briefs with supporting evidence:	September 21, 2012
Parties FILE opening Claim Construction Briefs, Responsive Claims Construction Briefs and supportive evidence compiled in a single joint appendix with citations in Parties's briefs reflecting citation to documents in joint appendix:	October 22, 2012

Wherefore, it is **ORDERED**

“Plaintiffs’ Corrected Emergency Motion to Amend Scheduling Order” [Doc. No. 175] is **GRANTED IN PART** and **DENIED IN PART** consistent with this Order.

Dated this 21st day of February, 2012.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge