

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 10-23580-CIV-UNGARO**

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

ORDER SETTING INITIAL PLANNING AND SCHEDULING CONFERENCE

THIS CAUSE is hereby set for an Initial Planning and Scheduling Conference before the Honorable Ursula Ungaro, at the United States Courthouse, 400 N. Miami Avenue, 12th Floor, Courtroom 4, Miami, Florida, on **Friday, JANUARY 14th, 2011 at 9:30 A.M.**

Counsel for the Plaintiff(s) is instructed to provide copies of this order to all counsel of record and to any unrepresented parties that have appeared in the case. Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1B, the parties are jointly responsible for conferring to develop a proposed discovery plan; thereafter, the parties are to file and serve a Joint Planning and Scheduling Report, together with a proposed Scheduling Order, and an attached service list including the parties' names, phone numbers and facsimile numbers. The report and proposed order must be filed by **DECEMBER 29th, 2010** and must recite the following:

1. A plain statement of the nature of the claim and any counterclaims, cross-claims, or third-party claim, including the amount of damages claimed and any other relief sought.
2. A brief summary of the facts which are uncontested or which can be stipulated to without discovery.
3. A brief summary of the issues as presently known.


4. Whether discovery should be conducted in phases or limited to particular issues.
5. A detailed schedule of discovery for each party.
6. Proposed deadlines for joinder of other parties and to amend the pleadings, to file and hear motions and to complete discovery.
7. Proposed approximate dates for final pre-trial conferences and trial.
8. The projected time necessary for trial and a statement of whether the case is jury or non-jury trial.
9. A list of all pending motions, whether each motion is “ripe” for review, the date each motion became ripe, and a summary of the parties’ respective positions with respect to each ripe motion.
10. Any unique legal or factual aspects of the case requiring special consideration by the Court.
11. Any potential need for references to a special master or magistrate.
12. The status and likelihood of settlement.
13. Such other matters as are required by Local Rule 16.1(B) and as may aid the Court in setting the case for status or pretrial conference and in the fair and expeditious administration and disposition of this action.

With respect to initial disclosures required under Fed. R. Civ. P. 26(a)(1)-(2), pursuant to Rule 26(a), the disclosures must be made at or before the time the parties confer to develop the discovery plan. The parties must certify in the Joint Scheduling Report that such disclosures have been made unless a party objects during the conference that the required disclosure(s) is not appropriate in the circumstances of the action and files an objection to the specific disclosure(s) with the Court. Such objections must be filed no later than fifteen (15) days prior to the Initial Planning and Scheduling Conference and must include a full explanation of the basis for the objections.

In the event that motions are pending before the Court at the time of the Conference, the parties shall be prepared to argue, at the Court’s discretion, the merits of such motions.

In the event the Court issues a Scheduling Order prior to the Initial Planning and Scheduling Conference based on the information provided by the parties in their Joint Planning and Scheduling Report, the Court will notify the parties whether the Conference will be canceled.

DONE AND ORDERED this 20 day of October, 2010 at Miami, Florida.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

cc: all counsel of record