

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JONES DAY, a General
Partnership,

Plaintiff,

-vs-

BRIAN TIMPONE, an individual
doing business as
BlockShopper.com, EDWARD
WEINHaus, an individual doing
business as BlockShopper.com,
and BLOCKSHOPPER LLC, doing
business as BlockShopper.com,

Defendants.

Case No. 08 C 4572

Chicago, Illinois
September 3, 2008
9:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN W. DARRAH

APPEARANCES:

For the Plaintiff: JONES DAY
BY: MS. IRENE SAVANIS FIORENTINOS
77 West Wacker Drive
Suite 3500
Chicago, Illinois 60601

For the Defendants: FOX HEFTER SWIBEL LEVIN & CARROLL
MR. MARTIN B. CARROLL
200 West Madison Street
Suite 3000
Chicago, Illinois 60606

Court Reporter:

Mary M. Hacker
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 1426
Chicago, Illinois 60604
Telephone: (312) 435-5564

1 THE CLERK: 08 C 4572, Jones Day versus
2 BlockShopper.com.

3 MS. FIORENTINOS: Good morning, your Honor. Irene
4 Fiorentinos on behalf of Jones Day.

5 THE COURT: Good morning, Ms. Fiorentinos.

6 MR. CARROLL: Good morning, your Honor. Martin
7 Carroll on behalf of defendants.

8 THE COURT: Good morning, Mr. Carroll.

9 MS. FIORENTINOS: Judge, following our conference
10 with you, we did propose schedules and this morning actually
11 we were able to hear from defendants that they are willing to
12 extend the stipulation and keep the status quo in place until
13 as late as March --

14 THE COURT: All right.

15 MS. FIORENTINOS: -- as a way to get a chance to do
16 their motion to dismiss without having to start discovery,
17 other than initial disclosures.

18 And I think that's going to be okay with us.
19 Frankly, I haven't had a chance to discuss it with anyone,
20 but I can't imagine we have an issue, if the Court is okay
21 with the idea of not setting a trial in this matter until
22 sometime in March.

23 THE COURT: Is that agreeable, Counsel?

24 MR. CARROLL: Yes, your Honor. I think the idea
25 being that if we can get a trial date from you towards the

1 end of March, we can work backwards from that and then give
2 you an initial scheduling order --

3 THE COURT: All right.

4 MR. CARROLL: -- setting forth the time for us to
5 file --

6 THE COURT: How much time do you need to file a
7 motion to dismiss?

8 MR. CARROLL: Our plan is to file a motion to
9 dismiss on September 19th.

10 THE COURT: How much time to reply?

11 MS. FIORENTINOS: We'll take 14 to reply -- to
12 respond.

13 MR. CARROLL: And seven to reply. That would mean
14 you would have a full --

15 THE COURT: Hold on one second. When are you going
16 to file it?

17 MR. CARROLL: September 19th.

18 THE COURT: Response date, Mel?

19 THE CLERK: October 3rd.

20 MR. CARROLL: And seven days to reply.

21 THE COURT: And a reply date, Mel?

22 THE CLERK: October 10th.

23 THE COURT: And a status date?

24 THE CLERK: November 13th at 9:00 a.m.

25 THE COURT: Okay.

1 MS. FIORENTINOS: But we will submit an order,
2 Judge, because we technically have to extend the stipulation.
3 And we will put in there the other matters that we discussed
4 regarding discovery, when it would start and all those
5 matters.

6 THE COURT: Yes. And if you want to just leave it
7 with Ms. Foster, I will sign it.

8 MS. FIORENTINOS: Yes. But the one thing that
9 would be useful, if the Court is able in advance to give us
10 an actual trial date in March, we will be able to use all the
11 dates to trigger backwards from that.

12 THE COURT: Late March, Mel?

13 THE CLERK: Pretrial conference March 26th at 1:30.

14 THE COURT: This is a bench trial --

15 MS. FIORENTINOS: This is a bench trial --

16 THE COURT: -- on the permanent injunction?

17 MR. CARROLL: Correct.

18 THE COURT: We won't need a pretrial conference.

19 THE CLERK: Trial March 30th at 9:00 a.m.

20 THE COURT: Okay.

21 MR. CARROLL: That's fine.

22 MS. FIORENTINOS: Thank you so much.

23 THE COURT: Thank you both.

24 (Which were all the proceedings heard.)
25

CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/s/ Mary M. Hacker

September 19, 2008

Mary M. Hacker
Official Court Reporter

Date

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