

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

STELOR PRODUCTIONS LLC F/K/A STELOR)
PRODUCTIONS, INC.,)

Plaintiff,)

v.)

Case No. 1:05-cv-0354-DFH-TAB

OOGLES N GOOGLES, an Indiana corporation;)
KEVIN MENDELL; DANYA MENDELL;)
MICHELLE COTE; ROB LENDERMAN;)
STACEY LENDERMAN; BRENDA MURTY;)
MARGIE THOMAS; ROB SLYTER;)
ELIZABETH SLYTER; CORINNA SPARKS;)
CHRISTINE WATERBURY;)
LEIGH SUNDLING; and TINA CARTAYA)

Defendants.)

**JOINT MOTION TO MODIFY ORDER ON FINAL PRETRIAL SCHEDULE AND
TRIAL SETTING AND CASE MANAGEMENT PLAN ORDER**

Plaintiff Stelor Productions LLC f/k/a Stelor Productions, Inc (“Stelor”) and Defendants Oogles N Googles, Kevin Mendell, Danya Mendell, Michelle Cote, Rob Lenderman, Stacey Lenderman, Brenda Murty, Margie Thomas, Rob Slyter, Elizabeth Slyter, Corinna Sparks, Christine Waterbury, Leigh Sundling and Tina Cartaya (“Defendants”) by their respective undersigned counsel, hereby jointly move to reschedule trial and extend all applicable deadlines (the “Motion”). In support of their Motion, the parties state as follows:

This is a Lanham Act action based on alleged trademark violations by Defendants. Plaintiff has submitted interrogatories and document requests to Defendants Kevin and Danya Mendell and Oogles N Googles and has not received responses to them. Plaintiff also will seek additional discovery from those defendants, including depositions, as well as from the defendants

who were added by the amended complaint submitted on August 16, 2005. In September 2005, the Defendants filed a motion to dismiss the amended complaint. The motion is pending resolution by the Court. Meanwhile, the parties have agreed to various extensions of discovery due dates and deadlines.

The parties believe that they will require additional time to develop the facts and expert testimony in this matter. Accordingly, the parties request that the Court reschedule the jury trial November 2006 and grant extensions of the various deadlines as follows:

March 17, 2006 – Plaintiff shall disclose the name, address, and vita of all expert witnesses, and shall serve the report required by Fed. R. Civ. P. 26(a)(2)(B). However, if Plaintiff uses expert witness testimony at the summary judgment stage, such disclosures must be made no later than 60 days prior to the summary judgment deadline.

April 17, 2006 -- Defendants shall disclose the name, address, and vita of all expert witnesses, and shall serve the report required by Fed. R. Civ. P. 26(a)(2)(B) within 30 days after Plaintiff(s) serves its expert witness disclosure; or if none, Defendant(s) shall make its expert disclosure on or before. However, if Defendants use expert witness testimony at the summary judgment stage, such disclosures must be made no later than 30 days prior to the summary judgment deadline.

June 19, 2006 – All discovery completed.

June 19, 2006 -- Any party who wishes to limit or preclude expert testimony at trial shall file any such objections no later than. Any party who wishes to preclude expert witness testimony at the summary judgment stage shall file any such objections with their responsive brief within the briefing schedule established by Local Rule 56.1.

July 17, 2006 – Dispositive motions to be filed, if any.

August 17, 2006 -- All parties shall file and serve their final witness and exhibit lists.

October 2006 – final pretrial conference.

The parties respectfully submit that their request is in the interest of justice and not for the purpose of delay.

WHEREFORE, the parties respectfully move for an order of Court granting their Motion.

Respectfully submitted,

<p>Counsel for Plaintiff</p> <p>John David Hoover, Attorney No. 7945-49 HOOVER HULL BAKER & HEATH LLP Suite 4400 111 Monument Circle P.O. Box 44989 Indianapolis, IN 46244-0989 Tel: 317-822-4400 Fax: 317-822-0234 E-mail: jdhoover@hooverhull.com</p> <p>Of counsel:</p> <p>Kevin C. Kaplan (admitted <i>pro hac vice</i>) David J. Zack (admitted <i>pro hac vice</i>) BURLINGTON, WEIL, SCHWIEP, KAPLAN & BLONSKY, P.A. Office in the Grove, PH-A 2699 S. Bayshore Drive, PH-A Miami, Florida 33133 Tel: 305-858-2900 Fax: 305-858-5261 Email: kkaplan@bwskb.com</p> <p>Attorneys for Plaintiff, Stelor Productions, Inc.</p> <p>By: _____/s David J. Zack_____</p>	<p>Counsel for Defendants</p> <p>Bryan S. Redding Cohen, Garelick & Glazier Suite 800 888 Keystone Crossing Indianapolis, IN 46240 Tel: 317-573-8888 Fax: 317-574-3855</p> <p>By: _____/s Bryan S. Redding_____</p>
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