

United States District Court  
Middle District of LouisianaUNITED STATES DISTRICT COURT  
  
MIDDLE DISTRICT OF LOUISIANA

FILED

June 28, 2006

ENTERTAINMENT SOFTWARE  
ASSOCIATION, ET AL

VERSUS

CHARLES C. FOTI, JR., ET AL

CIVIL ACTION

NO. 06-431-JJB-CN

**ORDER**

**IT IS ORDERED** that a scheduling conference is hereby set before United States Magistrate Judge Christine Noland for **OCTOBER 12, 2006 at 10:30 A.M. in chambers.**

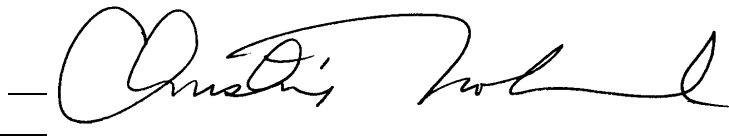
**IT IS FURTHER ORDERED** that a Status Report **shall be filed no later than ten (10) days** prior to the date of the scheduling conference. It shall be the duty of the attorney for plaintiff(s) to provide the defendant(s) with a copy of this Order and attachment, and to prepare, sign and file the Status Report in accordance with Attachment "A".

No party may submit a separate Status Report without first obtaining leave of Court for good cause shown. Mere disagreements among parties with respect to any of the matters addressed in the report should be set forth in the appropriate section of the joint Status Report

The Court will review the report prepared and filed in accordance with Attachment "A" in advance of the conference to determine whether or not the scheduling conference should go forward as scheduled, be reset or be cancelled and a Scheduling Order issued based upon the report. In the event there are no reported problems requiring Court intervention and the parties have provided a timely report setting forth applicable deadlines, the Court will notify the parties that the conference **will not** be held and that a Scheduling

Order based on their submitted deadlines will be forthcoming. **Unless the Court issues an Order cancelling the conference, the conference *will be held* as scheduled.**

Signed in chambers in Baton Rouge, Louisiana, this 28<sup>th</sup> day of June, 2006.

A handwritten signature in black ink, appearing to read "Christine Noland", is centered on the page. The signature is written in a cursive style and is flanked by short horizontal lines on both sides.

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**MAGISTRATE JUDGE CHRISTINE NOLAND**

Encs.      Attachment "A"  
                 Consent Notice

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## STATUS REPORT

**A. JURISDICTION:**

What is the basis for the jurisdiction of the Court?

**B. BRIEF EXPLANATION OF THE CASE:**

1. Plaintiff's claims:
2. Defendant's claims:

**C. PENDING MOTIONS:**

List any pending motion(s), the date filed and the basis of the motion(s):

**D. ISSUES:**

List the principal legal issues involved and indicate whether or not any of those issues are in dispute:

**E. DAMAGES:**

Separately, for each party who claims damages or an offset, set forth the computation of damages or the offset:

1. Plaintiff's calculation of damages:
2. Defendant's calculation of offset and/or plaintiff's damages:
3. Counter claimant/cross claimant/third party's calculation of damages:

**F. SERVICE:**

Identify any unresolved issues as to waiver or service of process, personal jurisdiction, or venue:

**G. DISCOVERY:**

1. Have the initial disclosures required under FRCP 26(a)(1) been completed?

YES       NO

- A. Do any parties object to initial disclosures:

YES       NO

For any party who answered *yes*, please explain your reasons for objecting.

- B. Please provide any stipulations reached by the parties with regard to FRCP 26(a)(1) initial disclosures.

2. Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s):

By defendant(s):

3. Please describe any protective orders or other limitations on discovery that may be required/sought during the course of discovery. (For example: are there any confidential business records or medical records that will be sought? Will information that is otherwise privileged be at issue?)

4. Discovery from Experts:

Identify the subject matter(s) as to which expert testimony will be offered by:

Plaintiff(s):

Defendant(s):

**H. PROPOSED SCHEDULING ORDER:**

1. Recommended deadlines for amending the complaint, or adding new parties, claim, counter claims or cross claims:

2. Recommended deadlines for completion of fact discovery:

A. Exchanging initial disclosures required by FRCP 26(a)(1):

B. Filing all discovery motions and completing all discovery except experts:

3. Disclosure of identities and resumes of expert witnesses (if appropriate, you may suggest different dates for disclosure of experts in different subject matters):

Plaintiff(s):

Defendant(s):

4. Exchange of expert reports:

Plaintiff(s):

Defendant(s):

5. Completion of discovery from experts:

6. Filing dispositive motions:

7. If the general outline of proposed deadlines set forth in numbers 1-6 does not fit the circumstances of your particular case, please provide a proposed joint schedule of deadlines which is more appropriate for your case.

**I. TRIAL:**

1. Has a demand for trial by jury been made?  
 YES  NO
2. Estimate the number of days that trial will require.

**J. OTHER MATTERS:**

Are there any specific problems the parties wish to address at the scheduling conference?

YES  NO

1. If the answer is yes, please explain.
2. If the answer is *no*, do the parties want the Court to cancel the scheduling conference and enter a Scheduling Order based on the deadlines set out in this report?

YES  NO

**K. ALTERNATIVE DISPUTE RESOLUTION (“ADR”):**

1. Several ADR techniques are available through the Court and may be helpful in your case. These include early neutral evaluation, mediation, and summary jury trial. Do the parties wish to engage in alternative dispute resolution proceedings?

YES  NO

2. If the parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such a

procedure, identify the party or parties that recommend ADR and the specific ADR process recommended:

**L. SETTLEMENT:**

1. Please set forth what efforts, if any, the parties have made to settle this case.
2. Do the parties wish to have a settlement conference:

YES

NO

If your answer is *yes*, at what stage of litigation would a settlement conference be most beneficial?

**M. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE:**

You have the right to waive your right to proceed before a United States District Judge and you may instead consent to proceed before a United States Magistrate Judge.

Indicate whether, at this time, all parties will agree, pursuant to 28 U.S.C. §636(c), to have a Magistrate Judge handle all the remaining pretrial aspects of this case and preside over a jury or court trial, with appeal lying to the United States Court of Appeals for the Fifth Circuit.

All parties agree to jurisdiction by a Magistrate Judge of this Court:

YES

NO

**If your response is “yes,” all attorneys and unrepresented parties please sign the attached Consent to Proceed Before A United States Magistrate Judge to indicate your consent.**

Report dated: \_\_\_\_\_

\_\_\_\_\_  
Attorneys for Plaintiff(s) or Pro Se Plaintiff

**NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF  
CIVIL CASE BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c), you are hereby notified that all of the parties in this civil case may consent to allow a United States Magistrate Judge of this District Court to conduct any and all proceedings, including trial of the case and entry of a final judgment.

You may consent by signing the form contained with the Status Report, or you may use the attached form at any later stage of the proceedings should you decide at that time to proceed before the United States Magistrate Judge. A copy of a consent form is enclosed and is also available from the Clerk of Court. In the event all parties consent to proceed before the Magistrate Judge, the signed consent form must be filed with the court, either electronically or conventionally, but **ONLY AFTER ALL PARTIES HAVE SIGNED THE FORM.**

You should be aware that your decision to consent, or not to consent, to the disposition of your case before a United States Magistrate Judge is entirely voluntary and should be communicated in writing to the Clerk of the District Court by signing the enclosed form. Either the District Judge or the Magistrate Judge may again advise the parties of the availability of the Magistrate Judge, but in doing so, shall also advise the parties that they are free to withhold consent without adverse substantive consequences.

Please note that the parties may appeal the Magistrate Judge's decision directly to the Court of Appeals in the same manner as an appeal from any other judgment of the District Court.



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**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c), the parties to the above captioned civil proceeding hereby waive their right to proceed before a United States District Judge and consent to have **Magistrate Judge Christine Noland** conduct any and all further proceedings in the case, including but not limited to the trial of the case, and order the entry of judgment in the case.

The parties are aware that in accordance with 28 U.S.C. 636(c)(3), any aggrieved party may appeal from the judgment directly to the United States Court of Appeals for the Fifth Circuit in the same manner as an appeal from any other judgment of the District Court.

<b>DATE</b>	<b>PARTY REPRESENTED</b>	<b>PRO SE OR ATTY. NAME</b>	<b>PRO SE OR ATTY. SIGNATURE</b>