UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

SUSTAINABLE	SOURCING, LLC,)
	Plaintiff)
)
	v.) C.A. No. 12-cv-30093-MAP
)
BRANDSTORM,	INC., ET AL,)
	Defendants)

MEMORANDUM AND ORDER REGARDING DEFENDANTS' MOTION TO DISMISS AND MOTION TO STRIKE (Dkt. Nos. 10 & 34)

November 27, 2012

PONSOR, U.S.D.J.

Counsel appeared before this court on November 26, 2012 for argument on Defendants' Motions to Dismiss and to Strike.

The Motion to Dismiss (Dkt. No. 10) is hereby ALLOWED, in part, as to Counts II and III. The facts as set forth in the complaint do not support any claim against Defendants apart from the claim contained in Count I, which asserts copyright violation.

The Motion to Dismiss is hereby DENIED, without prejudice, as to Count I. This ruling will permit counsel to pursue possible settlement of this case, and if necessary, jurisdictional discovery. A schedule for this is set forth below.

The Motion to Strike (Dkt. No. 34) is hereby DENIED.

Counsel will submit a joint report to the court no later than December 28, 2012 regarding efforts at resolution of this case. The report will be authored by counsel for Plaintiff but will constitute the joint report of the parties. The report may indicate that the parties have been able to resolve the case, in which case the court will issue a sixty-day order of dismissal allowing time to tie up paperwork before the case is finally closed.

The report may also report that the case has not been resolved, in which case the schedule set forth below will kick in. Finally, the report may indicate that counsel need additional, specified time to continue discussions with regard to possible resolution. The court will be generous in allowing this additional time.

In the event that counsel report that they are unable to settle the case, the court will permit limited jurisdictional discovery. Along these lines, counsel for Plaintiff may serve interrogatories and requests for production seeking jurisdictional information no later than January 14, 2013. A deposition, or if necessary depositions, may be noticed to begin by February 18, 2013 and to conclude no later than March 15, 2013.

Plaintiff's supplemental opposition to Defendants' Motion to Dismiss based on lack of personal jurisdiction will be

filed on or before March 29, 2013. Defendants' reply will be filed on or before April 12, 2013.

Once memoranda are received, the court will either rule on the pending motion without further oral argument, or will set a date for a further hearing.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge