

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPUER SOFTWARE, L. L. C.,

Plaintiff(s),

CIVIL ACTION NO. 04-CV-70366

v.

DISTRICT JUDGE JULIAN ABELE COOK, JR.

MAGISTRATE JUDGE R. STEVEN WHALEN

GOOGLE INCORPORATED,

Defendant(s).

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**NOTICE OF HEARING**

The District Judge having entered an order pursuant to 28 U.S.C. 636(b)(1) referring **PLAINTIFF'S OBJECTIONS TO SUBPOENA** filed (3/29/05) to United States Magistrate Judge R. Steven Whalen for hearing and determination.

The motion is set for hearing on **MAY 24, 2005 @ 9:30 A.M.** before the Magistrate Judge in courtroom 662, Theodore Levin U.S. Courthouse, Detroit, Michigan. Counsel may bring an appropriate order granting or denying the motion to the hearing.

A separate copy of any responsive pleadings shall be **sent directly** to Magistrate Judge Whalen's chambers at 673 U.S. Courthouse, Detroit, MI 48226.

**SPECIAL REQUIREMENTS FOR DISCOVERY MOTIONS**

If the motion addresses discovery issues, counsel shall comply with the following requirements:

A. Pursuant to E.D. Mich. Local Rule 37.1, counsel shall meet and confer on all presently pending discovery motions that have been referred to the Magistrate Judge. Because the Local Rule requires a good faith effort to narrow the areas of disagreement to the greatest possible extent, it is not satisfied by mere compliance with Local Rule 7.1, which requires the moving party to seek concurrence in a motion. Accordingly, the parties are directed to meet and confer **face-to-face** in advance of the hearing. The face-to-face requirement is not satisfied by a telephonic conference, unless exceptional circumstances exist which make a face-to-face conference not feasible. In that case, prior to holding a telephonic conference, the moving party will submit a written statement to the Magistrate Judge explaining why a telephonic conference is necessary.

B. The L.R. 37.1 conference shall include an item-by-item discussion of each issue in dispute. Any party refusing to appear for this meeting or to confer as the Court has directed will be subject to sanctions.

C. No later than **MAY 10, 2005**, the movant must notify the Magistrate Judge of the results of the conference in writing. If the disputed issues have all been resolved, the parties shall submit to the Magistrate Judge a stipulation and proposed order disposing of the motion.

If unresolved issues remain, the parties shall file a Joint List of Unresolved Issues no later than **MAY 17, 2005**. The Joint List of Unresolved Issues must be filed with the Clerk's Office and a file-stamped copy hand-delivered to the Magistrate Judge's chambers the same day to ensure prompt receipt.

D. The Joint List of Unresolved Issues shall include the following, set forth in a succinct fashion:

1. Identification of each and every issue which remains in dispute, including any interrogatories and answers, or requests for production of documents or requests to admit, along with any objections. The interrogatories and answers, and the requests for production of documents or requests to admit and objections must be attached or copied into the Joint List. The Joint List shall not incorporate by reference disputed interrogatories, requests for production, or requests to admit.
2. The respective positions of each party on every issue which remains in dispute.
3. Citations of authority that support the respective positions of each party on every issue which remains in dispute.
4. The Joint List of Unresolved Issues must be signed by all parties to the dispute, or their attorneys. The Joint List must also set forth the date and place the Rule 37.1 conference was held, along with the names of the persons who attended the conference and the length of the conference.

s/R. STEVEN WHALEN  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

BY:

s/Susan Jefferson  
COURTROOM DEPUTY CLERK

Dated:4/29/05

COPIES MAILED TO:

Andrew Kochanowski, Kathleen Lang