

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EIGHT MILE STYLE, LLC, et al;

Plaintiff(s),

v.

Civil Action No. 07-cv-13164

Honorable Anna Diggs Taylor

APPLE COMPUTER, INC., et al,

Magistrate Judge Donald A. Scheer

Defendant(s).

**PROPOSED
SCHEDULING ORDER**

The cause having come before the Court pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.1, the Court enters the following SCHEDULE controlling the progress of the matter. If, there is no objection to the terms of this order filed within 15 days of the date hereon, it shall become the final Order of the Court .

NOW, THEREFORE, IT IS ORDERED:

1. **Discovery cut-off:** All discovery requests shall be filed on or before 5/16/2008.
2. Stipulated Request for Referral to the Mediation Tribunal Association must be made by using the format attached.
3. **Motion cut-off:** 7/16/2008. This cut-off applies to all motions, including dispositive motions.¹
4. A **Final Pretrial Conference and/or Settlement Conference** will be held on: Thursday, 9/18/2008 at 9:30 a.m. Clients or representatives with full authority to settle must attend this conference.

Pursuant to Local Rule XXI(C), trial counsel must be present at the Final Pretrial Conference. Unless good cause is shown, only counsel appearing at the Final Pretrial Conference and/or Settlement Conference will be permitted at the counsel table for trial.

5. The Proposed Joint Pretrial Order shall be submitted to the Court at the Final Pretrial Conference, and must be signed and approved by all counsel before the conference. Failure to comply will result in the assessment of costs and fees upon any party who has unreasonably prevented the preparation and execution of said Pretrial Order.
6. **Non- Trial set for:** Tuesday, 10/14/2008 at 9:00 a.m.

¹ Please refer to *Attachment "A"* regarding courtesy copies of motions.



Proposed Scheduling Order

Page 2

7. Any motions adding parties must be filed on or before: 2/8/2008.
8. Other Matters:

NO FURTHER NOTICES WILL BE MAILED.

Dated: January 8, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on **January 8, 2008**.

s/Johnetta M. Curry-Williams
Case Manager

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EIGHT MILE STYLE, LLC, et al,

Plaintiff(s),

v.

APPLE COMPUTER, INC., et al,

Defendant(s).

Civil Action No. 07-cv-13164

Honorable Anna Diggs Taylor

Magistrate Judge Donald A. Scheer

_____ /

CONSENT TO PARTICIPATE IN MEDIATION

In accordance with the provision of **Rule 16.3** of the Local Rules of the United States District Court for the Eastern District of Michigan, the parties in this case hereby voluntarily consent to participate in mediation, and agree that all portions of **Rule 16.3** of the Local Rules of the United States District Court for the Eastern District of Michigan shall apply to this mediation.

The parties further agree to be bound by the provisions of the mediation rule contained in Michigan Court **Rule 2.403** including the provisions allowing for imposition of costs and attorneys' fees as sanctions.

Dated: _____

SIGNATURE OF ATTORNEY:

DATE SIGN:

Attorney for Plaintiff(s), P#

Attorney for Plaintiff(s), P#

Attorney for Defendant(s), P#

Attorney for Defendant(s), P#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN
814 THEODORE LEVIN UNITED STATES COURTHOUSE
231 W. LAFAYETTE BOULEVARD
DETROIT, MICHIGAN 48226

ATTACHMENT "A"

DAVID J. WEAVER
COURT ADMINISTRATOR
313-234-5051
Fax 313-234-5399

DIVISIONAL OFFICES
ANN ARBOR
BAY CITY
FLINT
PORT HURON

COURT APPROVES JUDGES' COURTESY COPY POLICY

At its meeting on January 8, 2007, the Court approved a Judges' Courtesy Copy Policy which applies to all papers filed through its electronic filing system (ECF):

One "courtesy" or "chambers copy" of all dispositive motion papers, as defined in E.D. Mich. LR 7.1(d)(1)(A), (including responses and replies) and all accompanying exhibits must be submitted directly to the judge's chambers on paper. Any exhibits must be properly tabbed and all papers firmly bound, usually along the left margin ("book-style"). Good practice requires that in appropriate cases, relevant portions of lengthy documents be highlighted. A printed copy of the Notice of Electronic Filing must be attached to the front of the paper.

The chambers copy must be sent via first class mail the same day the document is e-filed, unless it relates to a court proceeding scheduled within the next five days or otherwise requires the immediate attention of the Court, in which case the chambers copy must be hand-delivered to chambers not later than the morning of the next business day after the document is e-filed.

Questions regarding the courtesy copy policy should be directed to the ECF Help Desk (313-234-5042).

Posted: February 7, 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LOCAL RULE 16.2

REQUIREMENTS FOR JOINT FINAL PRETRIAL ORDER

[Effective Date: This rule shall take effect on January 1, 1989 as to all pending cases in which there is no outstanding requirement for a final joint pretrial order.]

(a) JOINT FINAL PRETRIAL ORDER

A Joint Final Pretrial Order shall be furnished in every civil case at or before the time set for the final pretrial conference. Counsel for plaintiffs shall convene a conference for all parties to confer and collaborate in formulating a concise Joint Final Pretrial Order which is to be compiled by counsel for plaintiffs, approved and signed by counsel for all parties, and submitted by counsel for plaintiffs to the Court for approval and adoption. The Order shall provide for the signature of the Court and, when signed and filed in the Clerk's Office, becomes an Order of the Court superseding the pleadings and governing the course of trial unless modified by further order provided, however, that the pretrial order shall not constitute a vehicle for adding claims or defenses. An original and one copy is to be submitted to the chambers of the assigned judge. The Order will not be filed in the Clerk's Office or electronically until it has been signed by the Judge.

(b) CONTENTS OF ORDER

The Joint Final Pretrial Order shall contain, under numbered and captioned headings, the following:

- (1) Jurisdiction. The parties shall state the basis for Federal Court jurisdiction and whether jurisdiction is contested by any parties.
- (2) Plaintiffs' Claims. A statement of the claim or claims of plaintiffs including legal theories.
- (3) Defendants' Claims. A statement of the defenses or claims of defendants, or third parties, including legal theories.
- (4) Stipulation of Facts. The parties shall state, in separately numbered paragraphs, all uncontested facts.
- (5) Issues of Facts to be Litigated.
- (6) Issues of Law to be Litigated.
- (7) Evidence Problems Likely to Arise at Trial. Include objections to exhibits. All motions in limine of which counsel should reasonably be aware shall be listed in the Joint Final Pretrial Order.
- (8) Witnesses. Each party shall list the names of all witnesses, identifying which are experts, that it will call (in the absence of reasonable notice to the contrary to opposing counsel) and those

witnesses it may call. No witness shall be listed who has not been included on any witness list submitted pursuant to a prior order of the Court. Only listed witnesses will be permitted to testify at trial, except for rebuttal witnesses whose testimony could not be reasonably anticipated before trial or except for good cause shown.

- (9) Depositions. The parties shall list the names of all witnesses whose deposition testimony is reasonably expected to be offered as evidence. Nothing in this subsection shall preclude the taking of de bene esse depositions for use at trial.
- (10) Exhibits. The parties shall number and list, with a short identifying description, each exhibit they intend to introduce at trial. Only listed exhibits will be considered for admission at trial, except for rebuttal exhibits which could not be reasonably anticipated before trial or except for good cause shown.
- (11) Damages. Plaintiffs shall itemize all claimed damages, shall specify those damages which can be calculated from objective data, and the parties shall stipulate to those damages which are not in dispute.
- (12) Trial.
 - (A) Jury or non-jury.
 - (B) Estimated length of trial.
- (13) Settlement. Counsel shall state that they have conferred and considered the possibility of settlement, giving the most recent place and date thereof, and indicate the current status of negotiations as well as any plans for further discussions.

(c) Failure of Counsel to Cooperate

Failure of counsel to cooperate in the preparation of, to submit, or to strictly comply with the terms of, the Joint Final Pretrial Order may result in dismissal of claims, default judgment, refusal to let witnesses testify or to admit exhibits, assessment of costs and expenses, including attorney fees, or other appropriate sanctions.

(d) Filing of Trial Briefs, Findings and Instructions

The Joint Final Pretrial Order shall further provide that trial briefs, proposed findings of fact and conclusions of law in non-jury cases or requests for instructions in jury cases shall be filed on the first day of trial.

(e) Additional Requirements

A Judge, in an appropriate case, may add additional requirements to the Joint Final Pretrial Order, or may suspend application of this Rule, in whole or in part.

NOTE

JUDGE TAYLOR WILL ASSESS TO THE PARTIES OR COUNSEL THE PAYMENT OF ONE DAY'S FEES FOR JURORS CALLED IF A CIVIL CASE IS SET FOR TRIAL AND THE COURT IS NOT NOTIFIED AT LEAST ONE DAY IN ADVANCE IF THE TRIAL WILL NOT COMMENCE AS SCHEDULED, FOR ANY REASONS ATTRIBUTABLE TO THE PARTIES OR COUNSEL.