

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE WEATHER UNDERGROUND, INC.,

Plaintiff,

v.

Case No: 09-10756

Honorable Marianne O. Battani

NAVIGATION CATALYST SYSTEMS INC., *ET AL*

Defendant,

_____ /

NOTICE OF SCHEDULING CONFERENCE

You are hereby scheduled to appear on **JANUARY 11, 2009**, at **3:30 p.m.**, in the Courtroom of the Honorable Marianne O. Battani, 277 U.S. Courthouse, 231 W. Lafayette, Detroit, Michigan, for a scheduling conference on the above case.

THE SCHEDULING CONFERENCE WILL BE AUTOMATICALLY CANCELLED, AND COUNSEL SHOULD NOT APPEAR, IF THE JOINT DISCOVERY PLAN IS ELECTRONICALLY FILED PRIOR TO THE SCHEDULED CONFERENCE DATE. A SCHEDULING ORDER WILL AUTOMATICALLY BE ISSUED BY THE COURT UPON RECEIPT OF THE FILED PLAN.

PLEASE DO NOT CALL TO CONFIRM THIS PROCEDURE.

Prior to the date of the scheduling conference, Plaintiff is directed to convene a meeting with all counsel for the purpose of preparing a joint discovery plan in accordance with FED.R.CIV.P. 26(f). The joint discovery plan may be submitted to the Court at the conference or electronically filed as noted below. In the event the parties cannot agree on a plan, each side must submit a proposed plan at the conference.

Counsel should be prepared to discuss the following during the conference:

1. A brief summary of the case and issues;
2. Subject matter jurisdiction;
3. Relationship, if any, to other cases;
4. Amount of time necessary for the discovery process - generally three to four months from the date of answer is allowed in the ordinary case;
5. Necessity of amendments to pleadings, additional parties, third-party complaints, expert testimony, et cetera;
6. Anticipated motions;
7. Use of Case Evaluation (see LR 16.3) or other methods of alternate dispute resolution.

PLEASE NOTE:

CORPORATE AFFILIATIONS: Pursuant to LR 83.4. Counsel should complete and electronically file, where appropriate, the Disclosure of Corporate Affiliations form.

CASE EVALUATION: If the parties consent to Case Evaluation under LR 16.3, the Consent to Case Evaluation form must be electronically filed.

DISCOVERY: Counsel should commence the discovery process immediately and not wait for receipt of the Scheduling Order. Parties are bound by FED.R.CIV.P. 30(d)(2) concerning depositions and FED.R.CIV.P. 33(a) limiting the number of interrogatories.

PRETRIAL PRACTICES and FORMS:

Required forms and pretrial practices are available on Judge Battani's website.

<http://www.mied.uscourts.gov/practices/Battani/toc.htm>

s/Bernadette M. Thebolt
Bernadette M. Thebolt, Case Manager
for Judge Marianne O. Battani
313-234-2627

CERTIFICATE OF MAILING

I certify that a copy of this order was served electronically upon all parties of record.

s/Bernadette M. Thebolt
Bernadette M. Thebolt
Case Manager
313-234-2627

Dated: December 2, 2009