

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VISUAL INTERACTIVE PHONE
CONCEPTS, INC.,

Petitioner,

Case No. 11-12348

Hon. Lawrence P. Zatkoff

v.

GOOGLE, INC.,

Defendant,

NOTICE OF SCHEDULING CONFERENCE

**PLEASE READ THE FOLLOWING CAREFULLY. FAILURE TO COMPLY
MAY RESULT IN THE ISSUANCE OF SANCTIONS.**

You are notified to appear on: **OCT. 20, 2011 AT 9:30 A.M.** in the Courtroom of the
Honorable Lawrence P. Zatkoff, Federal Building, **526 Water Street, Port Huron, MI
48060** for a scheduling conference on the above cause.

**COUNSEL RESPONSIBLE FOR THE CASE MUST ATTEND SCHEDULING
CONFERENCE.**

**THERE WILL BE NO ADJOURNMENTS OF SCHEDULING CONFERENCES BECAUSE
RESPONSIBLE COUNSEL IS UNAVAILABLE.**

**SCHEDULING CONFERENCES WILL BE HELD IN PERSON, BUT MAY BE HELD BY
PHONE IN EXTRAORDINARY CIRCUMSTANCES.**

CASE SUMMARY

Prior to the scheduling conference, the parties shall collaborate in formulating a case summary, which is to be drafted by counsel for the plaintiff(s), approved and signed by counsel for all parties, *and filed with the Court five (5) days before the scheduling conference.* **THE CASE SUMMARY SHALL CONTAIN, UNDER APPROPRIATE CAPTIONS:**

1. Statement of claim or claims of plaintiff(s), including legal theories, and basis of federal

jurisdiction.

2. Statement of claim or claims and defense of defendant(s), and third-party plaintiff(s), and defense of third-party defendant(s), including legal theories.
3. Actual damages sought
4. Expected witnesses
5. Whether any expert witnesses are anticipated and in what subject area
6. Amount of time needed for discovery and summary of discovery conducted to date
7. Anticipated depositions
8. Relationship to other cases
9. Necessity of amendments to pleadings: additional parties, third-party complaints, etc.
10. Anticipated motions, including whether dispositive motions are anticipated
11. Anticipated cost of litigation
12. Whether case evaluation is desired. Note: The Court will refer the case to case evaluation in Wayne, Oakland, Macomb or St. Clair county, but only if all parties agree and consent to be bound by the Michigan court rules regarding case evaluation.

FAILURE TO SUBMIT A TIMELY CASE SUMMARY MAY RESULT IN THE ISSUANCE OF SANCTIONS.

PLEASE BE PREPARED TO DISCUSS THE FOLLOWING AT THE SCHEDULING CONFERENCE:

1. Brief summary of facts and defenses.
2. Discovery progress - counsel are instructed to commence significant discovery prior to the conference.
3. Timing of expert disclosure and discovery.

At the conference the Court will set a discovery cut-off date and dispositive motion cut-off date, and will schedule a final pretrial conference and trial. All motions must be disposed of prior to the final pretrial conference. Counsel must send a hard copy of any motion to the Court, in addition to filing it on ECF. Motion practice must comply with E.D. MICH. L.R. 7.1, except that a date for hearing of the motion, **if a hearing is deemed necessary**, will be assigned by this Court, and counsel will be notified as to that date.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 6, 2011.

s/Marie E. Verlinde

Case Manager

(810) 984-3290