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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IN RE: NOS COMMUNICATIONS,
MDL No. 1357

Case No. 2:01-cv-0861-LDG (PAL)

CTA RESEARCH CORP.,
Plaintiff,

Case No. 2:00-cv-1465-LDG (VCF)

v.

ORDER

AFFINITY NETWORK, INC., d/b/a
QUANTUMLINK COMMUNICATIONS,
INC.,

Defendant.

In September 2011, the Court ordered the parties to file a joint status report and to address any proceedings or scheduling they believe is necessary to efficiently bring to close the pre-trial proceedings of this matter, which was transferred to this Court as part of a multi-district litigation. The parties filed a joint status report in October.

The plaintiff indicated that it anticipated taking a deposition and possibly, depending upon the fruits of that deposition, bringing a motion to compel further responses to discovery sometime in November, 2011. The plaintiff indicated its belief that resolution of

1 such discovery matters was required before its experts could formulate an appropriate
2 damages model and plaintiff could move for class certification.

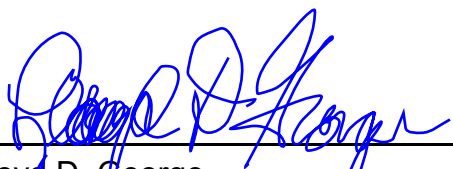
3 The defendant indicated its belief that it should be permitted to file a motion for
4 summary judgment to dismiss the plaintiff's remaining claim. The defendant further
5 asserted its belief that there is no discovery that plaintiff could obtain that could establish
6 that plaintiff has a claim for damages that survived the Ninth Circuit's 2007 decision in this
7 matter.

8 Subsequent to the joint status report, the plaintiff has neither moved to compel any
9 further discovery nor moved to certify a class, or otherwise indicated that it is prepared to
10 defend a motion for summary judgment. Accordingly, in an effort to efficiently complete the
11 pre-trial proceedings, the Court will hold a scheduling conference. In anticipation of the
12 hearing, the Court requests that the parties be prepared to recommend dates for discovery
13 cut-off, expert disclosures, rebuttal expert disclosures, for the filing of dispositive motions,
14 and (if plaintiff deems appropriate) for the filing of a motion to certify a class.

15 Therefore, for good cause shown,

16 THE COURT **ORDERS** that this matter is set for a scheduling conference on
17 Thursday, March 8, at 9:00 a.m., in Courtroom 6B.

18 DATED this 17 day of February, 2012.

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22 Lloyd D. George
23 United States District Judge
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