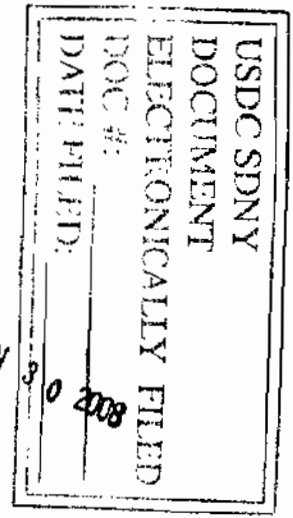


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Elsavier Inc.,
Plaintiff,
against
Encyclopedia Britannica, Inc.
Defendant.
----- X

08cv5482(GBD)
CIVIL CASE MANAGEMENT
PLAN AND SCHEDULING ORDER



After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No **additional parties** may be joined after **November 6, 2008**.
2. No **amendment** to the pleadings will be permitted after **November 6, 2008**.
3. Except for good cause shown, all **discovery** shall be commenced in time to be completed by **December 11, 2008**. The Court expects discovery to be completed within 90 days of the first scheduling conference. Unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 90 more days) is needed to complete discovery. In such event discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. **Dispositive motions** are to be served by **March 5, 2009**. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final **pretrial conference** will be held on **April 9, 2009 at 9:30 a.m.**
6. The **Joint Pretrial Order** shall be filed no later than **March 12, 2009**. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.

- 8 The parties shall be **ready for trial** on 48 hours notice on or after **April 16, 2009**.
The estimated trial time is _____ days and this is a (jury) (non-jury) trial.
- 9 The **Next Case Management Conference** will be held on **January 8, 2009** at **9.30 a.m.**

Dated: June 23, 2008
New York, New York

SO ORDERED

George B. Daniels
JUN 30 2008
GEORGE B. DANIELS
HON. GEORGE B. DANIELS

Attorney for Plaintiff

Attorney for Defendant