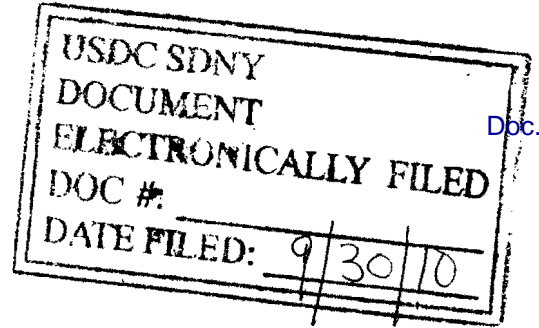


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ESTATE OF ADRIAN JACOBS, :

Plaintiff, :

-against- :

SCHOLASTIC INC., :

Defendant. :

No. 1:10-cv-05335-SAS
SCHEDULING ORDER
Conference Date: September 29, 2010

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WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on July 23, 2010 (the "Order"), which was modified by the Court by request of the parties on August 9, 2010; and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) The preliminary conference was held on September 29, 2010, and was attended by Thomas R. Kline and Joseph A. Patella, of Andrews Kurth LLP, counsel for Plaintiff, and Dale M. Cendali and Courtney L. Schneider of Kirkland & Ellis LLP, counsel for Defendant, and Mark Seidenfeld and Christopher Lick of Scholastic Inc.
- (2) This copyright infringement case presents two issues. The first issue is whether *Harry Potter and the Goblet of Fire* ("Goblet") infringes the work *The Adventures of Willy the Wizard: No 1 Livid Land* ("Willy the Wizard"). The second issue is what remedies Plaintiff is entitled to if there is a finding of infringement.

Defendant filed a motion to dismiss Plaintiff's Complaint on September 16, 2010. Pursuant to the Court's Order dated September 13, 2010, Plaintiff's Opposition is due October 20, 2010 and Defendant's Reply is due November 4, 2010.

(3) Proposed Schedule

- (a) Persons to be deposed and schedule of planned depositions

Plaintiff intends to depose J.K. Rowling; Christopher Little; Susan Crow, typist for Adrian Jacobs; and a 30(b)(6) deposition of Scholastic Inc..

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Defendant intends to depose Plaintiff Paul Gregory Allen, trustee of the estate of Adrian Jacobs; Susan Crow, typist for Adrian Jacobs; Jonathan Jacobs, son of Adrian Jacobs; Max Markson, public relations executive; David Markson, estate's literary agent; and a witness from Bachman & Turner, publisher of *Willy the Wizard*.

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Dec, JAN, Feb

These depositions have not yet been scheduled.

The parties anticipate that additional individuals will be deposed after additional information is gathered through the exchange of documentary discovery as well as through the depositions of the above-listed individuals. If necessary, additional depositions will be conducted prior to the close of fact discovery.

(b) Schedule for the production of documents

The parties will exchange initial disclosures on or before ~~November 12, 2010~~. The parties will serve first requests for production of documents on ~~December 7, 2010~~. Responses to those requests will be made on or ~~January 12, 2011~~. Additional written discovery will proceed thereafter. The last day to request production of documents will be ~~April 22, 2011~~. Fact discovery will conclude on ~~May 23, 2011~~.

10/15

10/29
11/29

Feb 28

MARCH 25

(c) Dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed

(i) Plaintiff will provide initial expert disclosures and reports by June 21, 2011. Defendant will provide initial expert disclosures and reports by July 15, 2011. Plaintiff will provide a rebuttal expert reports, if any, by August 23, 2011.

(ii) Expert depositions will be completed by October 25, 2011.

(d) Date to complete all discovery

~~October 25, 2011~~

to be scheduled

Dispositive motions must be filed within ~~45~~ days of the close of all discovery.

(e) Date by which Plaintiff will supply its pre-trial order matter to Defendant

Within 30 days after a decision on ~~any~~ dispositive motions.

(f) Date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial:

Within 30 days of Plaintiff ~~supplying~~ pre-trial order matters to Defendant.

(g) Date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d)

April 12 at 4:30

(4) Statement of any limitations to be placed on discovery, including any protective or confidentiality orders

The parties intend to discuss the submission of a stipulated proposed protective order after first discovery requests are served.

Schedule to be set if needed

- (5) Statement of discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement

Counsel for the parties represent that there are no discovery disputes at this time. The parties reserve the right to assert objections to discovery requests at the appropriate time and as permitted by rule or statute.

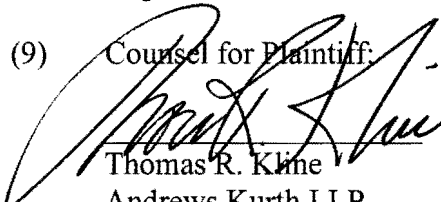
- (6) Anticipated fields of expert testimony

Textual analysis of *Goblet* and *Willy the Wizard*; identification of *scenes a faire* in fantasy literature; what is common in the genre of fantasy literature; what are protected elements and expressions in *Goblet* and *Willy the Wizard*; calculation of monetary remedies requested by Plaintiff.

- (7) Anticipated length of trial is 4-5 days. Plaintiff has requested a jury trial.

- (8) The parties agree that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.


- (9) Counsel for Plaintiff:


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SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

Date: Sept 29, 2010