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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITOL RECORDS, LLC, :

Plaintiff, :

-v- :

REDIGI, INC., *et al.* :

Defendants. :

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12 Civ. 0095 (RJS)

**SECOND AMENDED JOINT
PROPOSED CASE MANAGEMENT
PLAN AND SCHEDULING ORDER**

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, and following its September 17, 2013 Order, the Court hereby adopts the following Second Amended Case Management Plan and Scheduling Order.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. All remaining discovery shall be completed by November 8, 2013.
4. Defendants John Ossenmacher and Larry Rudolph shall make their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) by October 11, 2013.
5. The Court will conduct a post-discovery conference on November 22, 2013, at 2:30 pm.
6. Defendants John Ossenmacher and Larry Rudolph shall submit their motion to dismiss no later than September 20, 2013. Plaintiff shall respond no later than October 4, 2013, and Defendants shall reply no later than October 18, 2013. Parties shall not file pre-motion letters in connection with this motion to dismiss, and discovery shall not be stayed during the pending resolution of the motion to dismiss.
7. No party shall file a motion for summary judgment until the close of discovery. Any such motion shall be preceded by a pre-motion letter in conformity with Rule 2.A of the Court's Individual Practices. If any party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by November 12, 2013. Pursuant to Rule 2.A of the Court's individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial pre-motion letter.

8. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.

9. The parties have conferred and their present best estimate of the length of trial for the damages and remedy phase of this case is four days.

SO ORDERED.

DATE: Sept. 24 2013
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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