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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES CORPORATION,  <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> MARK D. PAPERMASTER,  <p style="text-align: right;">Defendant.</p>
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08 Civ. 9078 (KMK)

ECF CASE

MARK D. PAPERMASTER,  <p style="text-align: right;">Counterclaim Plaintiff,</p> <p style="text-align: center;">v.</p> INTERNATIONAL BUSINESS MACHINES CORPORATION,  <p style="text-align: right;">Counterclaim Defendant.</p>
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KMK

~~PROPOSED~~ SCHEDULING ORDER

WHEREAS, having considered the comments and proposals of the parties presented at the status conference held on November 18, 2008; and

WHEREAS, having previously acknowledged that discovery and trial in this action should proceed on an expedited schedule, subject to appropriate cooperation by all parties and nonparties;

NOW THEREFORE the Court ORDERS that the following schedule and obligations shall govern this matter:

1. Parties shall have 14 days to respond to all written discovery requests.
2. Parties shall provide initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) on or before December 2, 2008.
3. All fact discovery shall be completed on or before January 28, 2009.

4. The parties shall serve a list of all witnesses likely to be called to testify at trial on January 28, 2009. Any witness appearing on such list who has not already been deposed may be deposed at a mutually agreeable time after January 28, 2009.

5. Plaintiff shall designate its expert witnesses and provide their reports pursuant to Federal Rule of Civil Procedure 26(a)(2) on or before January 30, 2009.

6. Defendant shall designate his expert witnesses and provide their reports pursuant to Federal Rule of Civil Procedure 26(a)(2) on or before February 6, 2009.

7. All expert discovery shall be completed on or before February 13, 2009.

8. The parties shall exchange proposed trial exhibits on February 16, 2009.

9. Motions in limine shall be filed on or before February ~~18~~<sup>18</sup>, 2009, with opposing papers due February 20, 2009.


10. The final pretrial conference will be held on February 23, 2009, at 10 a.m.

11. Proposed findings of fact and conclusions of law shall be submitted to the Court on February 24, 2009.

12. Trial will commence <sup>no earlier than 24</sup> on February ~~23~~, 2009, at 9:30 a.m.

13. Any party may apply for modification of this order for good cause shown.

IT IS SO ORDERED:



Hon. Kenneth M. Karas  
United States District Judge

November 25, 2008