

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERNSTERN DIVISION  
NO. 5:07-CV-347-D

Lulu Enterprises, Inc.	)	
Plaintiff,	)	
	)	<b>REQUEST FOR DISCOVERY PLAN</b>
v.	)	
	)	
N-F Newsite, LLC,	)	
Defendant.	)	

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Court will enter a scheduling order in this case. **The Rule 26(f) meeting must occur by November 25, 2007.** The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference and for attempting in good faith to agree on the proposed discovery plan. **The discovery plan must be submitted to the Court within (14) days after the 26(f) meeting.**

Please confer with opposing counsel and present to the Court a discovery plan in accordance with Form 35. Pursuant to Rule 16(b), the planning meeting required by F.R.Civ. P. 26(f) and the discovery plan contemplated by this request are a mandatory part of the process of formulating a scheduling order. If counsel cannot agree on a discovery plan, please submit your respective positions to the Clerk of Court, and the Court will resolve the disputed issues. Following court approval, modifications of the scheduling order will be allowed only by motion and for good cause shown.

**Mandatory initial disclosures must be made within (14) days after the Rule 26(f) conference** unless (1) a different time is set by stipulation of parties or court order, or (2) a party objects during the 26(f) conference and states the objection and the response thereto in the discovery plan. Absent a stipulation or court order, any party first served or otherwise joined after the 26(f) conference must make these disclosures within thirty (30) days after being served or joined. Failure to disclose information required by Rule 26(a) or 26(e)(1) may subject the offending party or parties to sanctions pursuant to Rule 37, F.R.Civ.P.

Note that Local Rule 7.1 requires that all motions (except those relating to the admissibility of evidence at trial) must be filed within 30 days after the conclusion of discovery. Untimely motions may be summarily denied. A final pretrial conference will be scheduled approximately two weeks prior to trial.

SO ORDERED this 24th day of October, 2007.

Dennis P. Iavarone, Clerk of Court