

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

CNG FINANCIAL CORPORATION	:	
	:	Case No. 1:06-cv-040
Plaintiff/Counterclaim-	:	
Defendant,	:	Chief Judge Sandra S. Beckwith
	:	Magistrate Timothy S. Black
vs.	:	
	:	
GOOGLE INC.	:	<b>REPORT OF PARTIES' RULE</b>
	:	<b>26(f) PLANNING MEETING</b>
Defendant/Counterclaim-	:	
Plaintiff.	:	

Plaintiff/Counter Defendant, CNG Financial Corporation ("CNG") and Defendant/Counter Plaintiff Google, Inc. ("Google"), file the following report of their planning meeting.

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for CNG and counsel for Google held a telephonic meeting on May 2, 2006. Attending were Barry D. Hunter and Medrith Lee Norman, attorneys for CNG, and Michael Page and Klaus Hamm, attorneys for Google.

2. **Pre-discovery Disclosures.** The parties have until May 11, 2006 to serve the Disclosures required by Fed. R. Civ. P. 26(a)(1) and until June 2, 2006 to exchange the documents referenced in the Disclosures.

3. **Discovery Plan.** The parties have agreed to the following discovery plan:

A. Discovery will be on the following subjects: All issues appropriate under Fed. R. Civ. P. 26 as framed by the parties' pleadings.

B. All fact discovery shall be commenced in time to be completed by November 30, 2006. Notices relating to discovery shall be served within a reasonable time in advance of that date to allow for “reasonable notice” as contemplated by the Federal Rules of Civil Procedure. Written discovery shall be served in sufficient time such that answers or responses will be due on or before November 30, 2006. Discovery shall not be conducted in phases.

C. On or before November 30, 2006, counsel for the parties shall disclose the identity of expert witnesses on their case in chief who may be used at trial and provide written reports by such expert witnesses as required by Fed. R. Civ. P. 26(a)(2); on or before January 31, 2007, they shall disclose the identity of their rebuttal expert witnesses and provide written reports by such experts as required by Fed. R. Civ. P. 26(a)(2).

D. The parties may depose and obtain documents from the designated case in chief experts between December 1, 2006 and January 30, 2007, and they may depose and obtain documents from the designated rebuttal experts between February 1 and February 28, 2007.

E. No changes to the limits of discovery set by the Federal Rules of Civil Procedure appear to be necessary at this time.

F. Supplementation shall be made as required by Fed. R. Civ. P. 26(e).

**4. Other Items.**

A. Motions to amend pleadings or join additional parties shall be served on or before July 3, 2006.

B. All potentially dispositive motions shall be served on or before February 28, 2007.

C. The parties request a pre-trial conference.

D. The parties believe that it is premature to discuss settlement; however, mediation might be helpful at a later stage of the case.

E. Final lists of witnesses and exhibits and objections under Fed. R. Civ. P. 26(a)(3) shall be due at the time stated in the Rule.

F. The case should be ready for trial after the Court has ruled on the dispositive motions.

G. The parties believe the trial will take one week or less.

H. The parties do not consent to trial by Magistrate.

May 9, 2006.

Respectfully submitted,

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