

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN THE UNITED STATE DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF OHIO  
EASTERN DIVISION

AMCO INSURANCE CO.,	:	
	:	
Plaintiff	:	Case No. C2-06-472
	:	
v.	:	
	:	JUDGE FROST
	:	
LAUREN-SPENCER, INC. et al.,	:	MAGISTRATE JUDGE KING
	:	
Defendants	:	
	:	

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on November 6, 2006, and was attended by:

Amy S. Thomas, Esq., trial counsel for Plaintiff AMCO Insurance

William J. Pohlman, Esq., trial counsel for Defendants Lauren Spencer, Bowen Lee, Shirley Lee, and Poppie Lee

Williams M. Mattes, Esq., trial counsel for Defendant George Harris

Michael Orapollo, Esq., counsel for Defendant George Harris

2. The parties:

         unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

XX do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

3. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by Rule 26(a)(1).

\_\_\_\_\_ will exchange such disclosures by \_\_\_\_\_.

\_\_\_\_\_ are exempt from disclosure under Rule 26(a)(1)(E).

XX have agreed not to make initial disclosures.

4. Jurisdiction and Venue

a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:

None.

b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue.

Not applicable.

c. Recommended date for filing motions addressing jurisdiction and venue:

Not applicable.

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties: None anticipated

6. Recommended discovery plan:

a. Describe the subjects on which discovery is to be sought and the nature and extent of discovery that each party will need:

Certain discovery has already occurred in the related civil lawsuit filed by Defendant Harris against the other named Defendants. The parties anticipate that some of this discovery may have application in this lawsuit. As well, the parties reserve the right to conduct discovery of more specific issues related to insurance policy coverage.

The parties intend to prepare a Stipulated Set of Facts/Record within the next few months. After preparing this, the parties will determine if any additional discovery is needed on the Plaintiff's principal coverage defense. The parties then intend to proceed with cross-motions for partial summary judgment as to that coverage

defense.

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- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitation on interrogatories and the limitation of ten depositions, each lasting no more than one day consisting of seven (7) hours?

Not anticipated at this time.

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- c. Identify the discovery, if any, that can be deferred pending settlement discussions and/or resolution of potentially dispositive motions:

Discovery as to any remaining coverage defenses as well as the Lauren Spencer Defendants' counterclaim for bad faith may be deferred until the later of (i) a ruling on the motion for partial summary judgment; or (ii) a judgment, settlement, or other resolution of the underlying copyright infringement suit.

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- d. Described the areas in which expert testimony is expected and indicate whether each expert will be specially retained within the meaning of F.R. Civ. P. 26(a)(2).

The parties do not know what, if any, aspects of this declaratory judgment action will require expert testimony. The Lauren Spencer Defendants expect to proffer expert testimony in support of their counterclaim for insurer bad faith. The parties reserve the right to retain and identify other experts.

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- e. Recommended date for making primary expert designations:

January 28, 2008

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- f. Recommended date for making rebuttal expert designations:

March 12, 2008

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- g. Recommended discovery cut-off date: March 31, 2008

7. Recommended dispositive motion date: May 30, 2008

8. Has a settlement demand been made? Not applicable A response? \_\_\_\_\_

Date by which a settlement demand can be made: \_\_\_\_\_

Date by which a response can be made: \_\_\_\_\_

9. The earliest Settlement Week referral reasonably likely to be productive is the (choose one) March / June / September / December (year) Not Applicable Settlement Week.

10. Other matters for the attention to the Court: As mentioned above, the parties intend to prepare Stipulated Set of Facts /Record, conduct some additional discovery if necessary, and then file cross motions for partial summary judgment on the principal coverage issue.

Signatures:

**Attorney(s) for Plaintiff(s):**

**Attorney(s) for Defendant(s):**

/s/ Amy S. Thomas

/s/ William J. Pohlman

Amy S. Thomas (0074380)  
Trial Attorney for Plaintiff AMCO

William J. Pohlman (0040912)  
Trial Attorney for Defendants Lauren Spencer,  
Bowen Lee, Shirley Lee, and Poppie Lee

/s/ Michael Oropallo

Attorney for Defendant George Harris

William M. Mattes (0040465)

Trial Attorney for Defendant George Harris

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via the Court's CM/ECF system to all counsel of record, this 8<sup>th</sup> day of November 2006. Parties who do not receive notice of this filing by operation of the Court's electronic filing system may access this filing through the Court's system.

/s/ Amy Thomas  
Amy Thomas (0074380)