

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

International Information Systems	:	
Security Certifications Consortium	:	
	:	
Plaintiff,	:	Case No.: 2:07-cv-1195
	:	
v.	:	Judge Marbley
	:	
Miko Degraphenreed, et al.	:	Magistrate Judge King
	:	
Defendants.	:	

RULE 26(f) REPORT OF PLAINTIFF

1. Pursuant to Fed. R. Civ. 26(f), counsel for Plaintiff International Information Systems Security Certifications Consortium (“(ISC)²”) attempted to schedule a conference with *pro se* Defendant Miko Degraphenreed. Counsel contacted Mr. Degraphenreed via electronic mail and regular mail on June 25, 2008, and again by electronic mail on July 3, 2008, in an attempt to schedule a convenient time for a conference as required by Rule 26(f). Mr. Degraphenreed responded on July 14, 2008, with a demand that counsel cease contacting him. Due to Mr. Degraphenreed’s refusal to participate in a conference, counsel for (ISC)² files the following report on (ISC)²’s behalf.

2. Consent to Magistrate Judge:

The parties cannot consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) due to the refusal of Mr. Degraphenreed to participate in a conference.

3. Rule 26(a) disclosures:

The parties cannot schedule a date for exchange of disclosures due to the refusal of Mr. Degraphenreed to participate in a conference. (ISC)² suggests the disclosures not be made.

4. Jurisdiction and venue:

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

(ISC)² does not contest jurisdiction or venue. It is unknown whether Defendants contest either of these issues.

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

None.

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

None.

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties:

August 22, 2008.

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:

If the matter proceeds to trial, (ISC)² will wish to depose Mr. Degraphenreed, and possibly other fact witnesses. (ISC)² may also engage in written discovery. It is unknown what, if any, discovery Defendants would seek.

- b. What changes should be made, if any, in the limitations on discovery 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?

(ISC)² does not presently recommend any changes to the limitations on discovery.

It is unknown whether Defendants would recommend any changes to the limitations on discovery.

- c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

(ISC)² believes that Defendants may possess some relevant information stored in electronic format. (ISC)² requests that any electronically stored information be produced in native format without alteration, including all metadata.

- d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

(ISC)² may have certain materials protected by the attorney-client privilege and/or work product protection. It is unclear whether Defendants intend to assert any claims of privilege or other protections.

Have the parties agreed on a procedure to assert such claims **AFTER** production?

No.

- e. Identify the discovery, if any, that can be deferred pending settlement discussions and/or resolution of potentially dispositive motions:
None.
- f. The parties recommend that discovery should proceed in **phases**, as follows:
Not recommended.
- g. Describe the areas in which expert testimony is expected and indicate whether each expert will be specially retained within the meaning of Fed. R. Civ. P. 26(a)(2).
At this point (ISC)² has not identified any areas in which it will offer expert testimony, but (ISC)² reserves the right to identify experts within the timeframe set forth below. It is unclear whether Defendants intend to identify rebuttal experts.
- i. Recommended date for making **primary expert designations**:
September 12, 2008.
- ii. Recommended date for making **rebuttal expert designations**:
October 10, 2008.
- h. Recommended **discovery completion date**: *November 14, 2008.*
7. Recommended dispositive motion date: *December 11, 2008.*
8. a. Has a settlement demand been made? *Yes. Defendants have not responded.*
b. Date by which a settlement demand can be made: *N/A*
c. Date by which a response can be made: *Unknown.*
9. The earliest Settlement Week referral reasonably likely to be productive:
September 2008.
10. Other matters for the attention of the Court: *None.*

Signatures:

Attorney for Plaintiff:

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Counsel for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was duly served by ordinary U.S. mail upon the following party this 16th day of July, 2008:

Miko Degraphenreed
88 N. 22nd Street, Apt. 4
Columbus, Ohio 43203

Pro se Defendant

s/Craig R. Carlson by Joshua A. Kimsey
Craig R. Carlson