

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

<b>THE SCOTTS COMPANY LLC</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 2:09-cv-478</b>
	:	
<b>CENTRAL GARDEN &amp; PET COMPANY, et al.,</b>	:	<b>Judge Sargus</b>
	:	
<b>Defendants.</b>	:	<b>Magistrate Judge Abel</b>
	:	
	:	

**AGREED SCHEDULING ORDER**

1. The parties will exchange discovery requests on Monday, June 22, 2009. The parties will confer and reach agreement no later than on Wednesday, June 24, 2009 to determine dates certain for written responses to discovery and completion of production of documents. If the parties cannot agree, they will seek guidance from the Court to set dates certain.

2. Plaintiff will make its witnesses for the hearing, including experts, available for deposition during the period of June 29-July 16, 2009, according to their availability during that period of time.

3. Defendants will serve their Opposition brief and expert declarations by Friday, July 17, 2009. Defendants shall also produce their experts' documents in response to Plaintiff's June 22 document requests on July 17, 2009. If, after receiving Defendants' expert declarations, Plaintiff reasonably determines that it needs additional documents from Defendants' experts, which were not requested in June 22 document requests, the parties shall work together in good faith to ensure that those documents are produced in a timely manner reasonably in advance of Defendants' experts' depositions.

4. Plaintiff will serve its rebuttal expert declarations, if any, by Friday, July 24, 2009. Plaintiff shall also produce its rebuttal experts' documents in response to Defendants' June 22 document requests on Friday, July 24, 2009. If, after receiving Plaintiff's rebuttal expert declarations, Defendants reasonably determine that they need additional documents from Plaintiff's rebuttal experts, which were not requested in June 22 document requests, the parties shall work together in good faith to ensure that those documents are produced in a timely manner reasonably in advance of Plaintiff's rebuttal experts' depositions. The Parties agree that Defendants may reserve their objection, until such time as it becomes applicable, to Plaintiff designating new experts for rebuttal.

5. The depositions of Defendants' witnesses, including experts, will occur during the period of July 20-July 28, 2009, according to their availability during that period of time.

6. Plaintiff will serve its Reply Memorandum in Support of its Motion for Preliminary Injunction by Wednesday, July 29, 2009.

7. The depositions of Plaintiff's experts on their rebuttal declarations, if any, will occur during the period of July 27-July 31, 2009, according to their availability during that period of time.

8. The parties shall exchange all written communications of every kind, including pleadings, briefs, notices, letters, document productions, motions, discovery requests, and the like, via e-mail and overnight courier.

9. The parties agree that subpoenas for document production and depositions on experts are unnecessary and will produce the documents discoverable from their experts under Rule 26 in response to document requests served on the party that has engaged the expert.

10. The parties shall enter into a mutually agreeable protective order.

SO ORDERED.

/s/ Edmund A. Sargus, Jr.  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE

AGREED AND APPROVED:

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