

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THE HERSHEY COMPANY,	:	Judge Jones
Plaintiff	:	No. 10CV1178
	:	
v.	:	
	:	
HOTTRIX LLC	:	
Defendant	:	

**ORDER #1**  
**September 29, 2010**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Counsel participated in a telephonic case management conference with the Court on this date. At the conference certain oral agreements were entered into by counsel in consultation with the Court. The purpose of this order is to reduce the same to writing and to add certain other provisions for the expedition of the case.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Trial List. The above case is hereby placed on the October 2011, trial list.
2. Dispositive Motions. All motions to dismiss or for summary judgment shall be accompanied by supporting briefs and shall be filed by July 1, 2011.
3. Discovery. All discovery shall be completed by June 15, 2011. Counsels' attention is specifically called to the different cut-off date for filing dispositive motions set forth in ¶2 above.
4. Expert Reports. - Plaintiff's expert reports are due by April 15, 2011. Defendant's expert reports are due by April 15, 2011. Supplemental reports are due by

May 16, 2011.

5. Pre-trial Conference. The final pre-trial conference will be held in Harrisburg, Pennsylvania on September 1, 2011, at a time to be announced.
6. Joinder of Parties. All motions for leave to join a third party shall be filed by October 15, 2010.
7. Amendment of Pleadings. All amendments to the pleadings shall be filed by October 15, 2010.
8. Juries. Juries will be drawn in on October 4, 2011, at 9:30 A.M. for those cases on the list which are to be tried by a jury.
9. Non-dispositive Motions. All non-dispositive motions, save motions in limine, shall be filed by the above jury drawing date.
10. Scheduling Conference. There will be no further scheduling conference or conferences.
11. Motions in Limine. Written motions in limine should be submitted to the Court, with briefs in support, no later than fourteen (14) days prior to the final Pre-trial Conference. Responses shall be submitted within seven calendar days of the date that the relevant motion in limine is filed.
12. Case Management Track. The appropriate case management track for this case is the standard track with a trial date goal of not more than fifteen (15) months from the filing of the initial complaint.
13. Modification of Schedule. The provisions of this scheduling order may be

modified by the Court sua sponte or on motion timely filed for good cause.

14. Proposed Plan. The case management plan proposed by counsel is approved except insofar as it conflicts with this order.

15. Extension of Time. In accordance with the plan adopted for this District, requests for extensions of time periods will not be granted except under exceptional circumstances and must comply with Local Rule 7.5. All requests for extension of the discovery deadline must be made at least 30 days prior to the expiration of the discovery period unless the cause thereof arises during the said 30-day period.

16. Practice Order. The Clerk shall issue in this case our standard civil practice order which shall be designated Order #2 of this date.

s/ John E. Jones III  
John E. Jones III  
United States District Judge