

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT, )  
III, and JILL PATTERSON, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
PHILIP J. SMITH, )  
 )  
Defendant. )

Civil Action No. 6:06-CV-00109-HLH

RULE 26(f) REPORT

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COMES NOW BidZirk, LLC (“BidZirk”), Daniel G. Schmidt, III (“Schmidt”) and Jill Patterson (“Patterson”), Plaintiffs the above-captioned action, and hereby file their Fed. R. Civ. P. 26(f) report, and show the Court as follows:

The parties appeared at a hearing on March 16, 2006 concerning BidZirk’s motion for preliminary injunction. At that hearing, Plaintiffs requested and were granted permission from the Court to file their Rule 26(f) report without formal consultation with Defendant, given the history of poor communication between the parties. Accordingly, Plaintiffs, for their part, notify the Court that the scheduling order entered on March 3, 2006 is acceptable without revision. Plaintiffs intend to proceed with discovery and complete same on or before August 7, 2006. Plaintiffs have filed their Local Rule 26.03 answers to interrogatories contemporaneously herewith. Plaintiffs will provide information and reports from their expert(s) on or before June 16, 2006, per the Court’s scheduling order.

This 4<sup>th</sup> day of April, 2006.

/s/ Kevin M. Elwell

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KEVIN M. ELWELL  
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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing RULE 26(f) REPORT by depositing same in the United States Mail in a properly-addressed envelope with adequate postage affixed to:

Mr. Philip J. Smith  
601 Cleveland Street, Apartment 5-C  
Greenville, South Carolina 29601

This 4<sup>th</sup> day of April, 2006.

/s/ Kevin M. Elwell

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