

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GIBSON GUITAR CORPORATION)	
)	
v.)	No. 3-08-0279
)	
WAL-MART STORES INC.; TARGET)	
CORPORATION; KMART)	
CORPORATION; SEARS, ROEBUCK &)	
CO.; AMAZON.COM, INC.;)	
GAMESTOP CORPORATION;)	
TOYS-R-US, INC.; HARMONIX)	
MUSIC SYSTEMS, INC.; MTV; and)	
ELECTRONIC ARTS, INC.)	

ORDER

The portion of the motion of the "Viacom Defendants" and the "Retailer Defendants" to continue initial case management conference (Docket Entry No. 34) is GRANTED to the extent provided herein. The portion of the motion seeking to reinstate Rule 26(d) stay of discovery is reserved.

The initial case management conference will be continued. The Court notes that it was the parties themselves who sought an extension of the time for the defendants to respond to the amended complaint after the scheduled initial case management conference (Docket Entry No. 26), which the Court pointed out in the order entered April 21, 2008 (Docket Entry No. 27).

The Court understands that it may make sense to hold the initial case management conference after the defendants' responses, although the Court assumed, that by filing the stipulation relating to the extension of time, that the parties did not, at that time, believe that the extension would present a hinderance to proceeding with the initial case management conference. The Court further understands that the issues related to joint representation could impact the scheduling in this case.

However, counsel for the parties shall convene a telephone conference call with the Court on **Monday, May 12, 2008, at 12:00 noon, central time**, to be initiated by counsel for the Viacom

defendants, to address briefing on the defendants' anticipated dispositive motions, the defendants' request for a stay of discovery, rescheduling the initial case management conference, and any other appropriate matters. The parties are relieved of their obligation to prepare a proposed initial case management order prior to May 12, 2008. Such a joint, proposed order shall be filed prior to any rescheduled date for the initial case management conference.

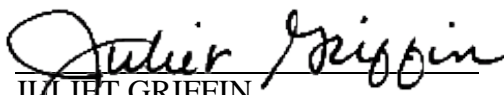
The parties may file any response to the pending motion prior to May 12, 2008, or may, at their option, address the motion on May 12, 2008, without having made any filings.

As a housekeeping matter, it appears from the parties' stipulation (Docket Entry No. 26), that defendants Wal-Mart, Target, Kmart, Sears, Amazon.com, GameStop, and Toys-R-Us are represented by Samuel D. Lipshie, Thor Y. Urness, and Jonathan D. Rose.

Therefore, the Clerk is directed to enter Mr. Lipshie, Mr. Urness and Mr. Rose as counsel for defendants Wal-Mart Stores, Inc., Target Corporation, Kmart Corporation, Sears Roebuck & Co., Amazon.com, Inc., GameStop Corporation, and Toys-R-Us, Inc. at Boulton, Cummings, Connors & Berry, PLC, 1600 Division Street, Suite 700, P.O. Box 340025, Nashville, TN 37203, and to send them a copy of this order.

The Court notes that the Viacom defendants have filed a motion for pro hac vice admission of Mark A. Samuels, Robert M. Schwartz, and William J. Charron (Docket Entry No. 30). It does not appear that the pro hac vice admission fees have been paid; the Court cannot grant that motion until the fees are submitted.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge