

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 20 2009
CLERK, U.S. DISTRICT COURT
By _____
Deputy

AMERICAN AIRLINES, INC., §
§
Plaintiff, §
§
VS. §
§
YAHOO! INC., ET AL., §
§
Defendants. §

NO. 4:08-CV-626-A

ORDER

After having considered the emergency motion filed by defendants, Yahoo! Inc. and Overture Services, Inc., d/b/a Yahoo! Search Marketing, for an order requiring the exchange of witness names and limiting the number of witnesses, the court has concluded that counsel for plaintiff should notify counsel for defendants in writing by 12:00 noon on Saturday, November 21, 2009, of the identities of any employees of either defendant plaintiff plans to call as a witness at the hearing to be conducted November 30, 2009. The court is not limiting the number of defendants' employees who can be called as witnesses by plaintiff at the hearing, but assumes that plaintiff will conduct itself in good faith by not requiring attendance at the hearing of any employee of defendants unless that employee's presence at the hearing is absolutely necessary.

Mention is made in the emergency motion of use of depositions. The court will allow deposition testimony to be used at the hearing, but all testimony offered from a deposition will have to be offered in agreed summary form. If either party plans to offer testimony from a deposition, such party shall file by 2:00 p.m. on November 25, 2009, an agreed summary, accompanied by appropriate page and line references, of portions of each deposition to be offered at the hearing. No deposition testimony will be offered in question and answer form. The offering party shall be responsible to obtain agreement of counsel for the opposing side to the accuracy of the proposed summary. Agreement of counsel as to proposed summaries shall be reached before the agreed summaries are filed. The court will not permit the use at the hearing of any videotape of deposition testimony or any video or audio recordings. Each party shall cooperate with the other in reaching agreement as to deposition summaries.

THE COURT SO ORDERS.

SIGNED November 20, 2009.



JOHN MCBRYDE
United States District Judge