

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ANNE PEARSE-HOCKER,

Plaintiff,

vs.

FIRELIGHT MEDIA, INC.,

Defendant.

Case No. 1:10-CV-458 (CMH/TRJ)

REVISED JOINT DISCOVERY PLAN

Plaintiff Anne Pearse-Hocker and Defendant Firelight Media, Inc., by and through their undersigned counsel, respectfully submit the following Revised Joint Discovery Plan in accordance with the Court's July 16, 2010, Scheduling Order and its Order of July 29, 2010.

I. Conference of the Parties

On Monday, July 26, 2010, counsel for the parties met and considered the claims, defenses, possibilities of a prompt settlement or resolution of the case, trial before a Magistrate Judge, arrangements for Rule 26(a)(1) disclosures, and a discovery plan that will complete discovery by Friday, November 12, 2010.

II. Settlement

At the July 26, 2010, conference and in subsequent telephone conversations, counsel for the parties discussed the possibility of a prompt settlement of the case. Defendant believes that a prompt resolution would be in the interest of both parties, and has urged Plaintiff to actively participate in pre-discovery settlement negotiations, which could include the informal exchange

of relevant information and mediation. Plaintiff is in agreement that the informal exchange of relevant information would advance settlement negotiations. However, Plaintiff is of the view that there are certain critical facts which remain unknown to Plaintiff at this time and which must be made available to Plaintiff (whether informally as part of settlement negotiations or through discovery) before a mediation session would be likely to be productive. Additionally, Plaintiff would welcome the participation in any mediation session of other parties with an interest in the outcome of the litigation, such as the Smithsonian Institution.

III. Trial by Magistrate Judge

The parties do not consent at this time to trial before a Magistrate Judge.

IV. Discovery Plan

A. Initial Disclosures

The parties agree that they shall serve their Rule 26(a)(1) initial disclosures on or before Friday, August 20, 2010.

B. Subjects of Discovery and Phasing of Discovery

The parties agree that there is no need to conduct discovery in phases. The parties further agree that discovery in this copyright infringement action may be needed on some or all of the following subjects:

- Plaintiff's ownership of copyright in the works that are the subject of this action;
- the nature of the subject works;

- the nature, extent, purpose, and character of any reproduction(s) by Defendant of the subject works;
- the market or potential market for the subject works and any effect(s) thereupon caused by such reproduction(s);
- any profits by Defendant resulting from such reproduction(s);
- Defendant's state of mind with respect to such reproductions(s); and
- Plaintiff's conduct and practice with respect to copyrights in the subject works.

C. Discovery of Electronically Stored Information

The parties agree that there are no issues regarding the disclosure or discovery of electronically stored information that require the Court's attention at this time, nor are such issues anticipated.

D. Privilege and Work-Product Protection

The parties agree that there are no issues regarding claims of privilege or work-product protection that require the Court's attention at this time, nor are such issues anticipated.

E. Limitations on Discovery

The parties agree that there is no need for the Court to impose discovery limitations apart from those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Court's July 16, 2010, Scheduling Order.

D. Other Orders

The parties agree that the Court should enter an order following the Rule 16(b) Pretrial Conference setting the following deadlines:

- The parties shall file any motions to amend pleadings or join additional parties on or before Friday, August 20, 2010.
- Plaintiff shall serve her Rule 26 expert disclosures on or before Friday, September 24, 2010.
- Defendant shall serve its Rule 26 expert disclosures on or before Friday, October 22, 2010.
- Expert depositions shall be completed by the discovery deadline of Friday, November 12, 2010.

The parties may move the Court to enter a Stipulation and Order Governing Confidential Information providing for appropriate protection of confidential and proprietary information produced in discovery, and providing generally that material produced in discovery in this action shall be used solely for the prosecution or defense of this action.

Respectfully submitted this 3rd day of August, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system and thereby cause a Notification of Electronic Filing to be served upon the following filing user of record:

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