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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiff,

and

HYPERION VOF, a Belgium corporation,

Defendant.

CAUSE NO. CV07-0631RSM

**JOINT FRCP 26(f) REPORT AND
DISCOVERY PLAN**

**STIPULATION SEEKING
APPOINTMENT OF SETTLEMENT
JUDGE**

Counsel for the parties, Lawrence Cock (representing Plaintiff) and William Kinsel (representing Defendant), held a Fed.R.Civ.P. 26(f) telephone conference, and submit this joint report to the Court.

I. Request For Appointment of U.S. Magistrate Judge J. Kelley Arnold As Settlement Judge [LR 39.1(e)]

This case is related to *Hyperion VOF v. Amino Development Corporation*, case no. C07-01761RSM. On January 17, 2008, the court entered an Order on Pending Motions in case no. C07-01671RSM. The court offered to appoint a settlement judge in lieu of mediation:

In the event all parties elect to participate, they may apply to the Court for appointment of a settlement judge to conduct a judicial settlement in lieu of mediation, pursuant to Local Rule CR 39.1(e). Order on Pending Motions, p. 2 (lines 23-25).

1 The parties stipulate (and move the court to adopt their stipulation) that the following deadlines
2 be set by the court following a joint status report, to be filed no later than forty-five days after the
3 judicial settlement conference:

- 4 • Discovery cutoff
- 5 • Dispositive motion cutoff
- 6 • Trial Date
- 7 • Lodging Date

8 **III. MODIFICATIONS TO DISCOVERY RULES**

9 The parties have agreed that, as a supplement to their CR 26(a)(1) disclosures, they will
10 exchange lists of the witnesses who they wish to depose. The purpose of the exchange is to
11 facilitate travel schedules of attorneys and the witnesses. The parties will work together to agree
12 upon mutually agreeable dates and locations for depositions.

13 The parties have not agreed on the number of depositions which should be allowed in this
14 case. Defendant Hyperion wishes the parties to be limited to ten depositions; Plaintiff Amiga
15 anticipates seeking more than ten depositions.

16 **IV. TRIAL**

17 If this case is tried to a jury, the parties estimate that it would require ten trial days,
18 subject to adjustment as the parties undertake discovery.

19 **V. OTHER COURT ORDERS/ACTION**

20 The parties have negotiated a Stipulated Protective Order pursuant to Fed.R.Civ.P. 26(c),
21 which order was submitted to the Court on July 23, 2008. The parties have not agreed upon a
22 deadline for disclosure of expert testimony under Fed.R.Civ.P. 26(a)(2).

1 Respectfully submitted this 29th day of July 2008.

2
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Attorneys for Defendant/Counterclaim Plaintiff
Hyperion, VOF

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that on July 29, 2008, I electronically filed the foregoing with the Clerk

4 of the Court using the CM/ECF system which will send notification of such filing to the

5 following:

6

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