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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MICROSEMI CORPORATION, Defendant.	CASE NO.: 8:09-cv-00275-AG-AN **JOINT REPORT ON EARLY MEETING OF PARTIES** Scheduling Conference Date: June 1, 2009 Time: 10:00 a.m. Hon. Andrew J. Guilford

FED. R. CIV. P. 26(f) DISCOVERY PLAN

1. Rule 26(a)(1) Disclosures. The parties will exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before **June 30, 2009**.

2. Scope of Discovery and Discovery Dates. Discovery will be conducted on claims contained within the Complaint and the denials and defenses within the answers to that pleading. The parties agree that discovery will not be conducted in phases and will not be limited or focused upon particular issues involved in this action. The parties also agree that discovery shall be completed by **May 14, 2010**. The defendant reserves the right to move the Court (under the normal procedures set forth in the Federal Rules of Civil Procedure and any applicable Local Rules) for an extension of the discovery period for the purpose of securing compliance with foreign discovery.

3. Electronically Stored Information. The parties have met and discussed electronically stored information. The parties agree to use their best efforts to produce electronically stored information in the format preferred by the requesting party. The parties have further agreed to a Stipulation Regarding Preservation and Discovery of Certain Electronically Stored Information, Draft Documents, and Privileged Materials, which they submitted to the Court on **May 22, 2009**.

4. Claims of Privilege and/or Protection. Discovery and production of potentially confidential and/or privileged information shall be governed by the Stipulated Protective Order, which the parties agree to submit to the Court on or before **June 1, 2009**.

5. Discovery Limitations.

a. *Depositions*. Absent good cause shown, all depositions shall occur on or before the discovery cutoff date. A deposition that was started on or before the discovery cutoff date may continue beyond the cutoff date if necessary for completion. Absent good cause shown, depositions shall be limited to no more

than 25 per side (excluding experts) plus depositions of the other side's designated witnesses as set forth in Paragraph 6(a) below. A deposition for up to seven hours of a party or non-party, taken pursuant to Fed. R. Civ. P. 30(b)(6), shall count as one deposition regardless of the number of witnesses produced to testify. Each deposition is limited to one day of seven hours; however, each party shall have up to two seven-hour days for the deposition of the other party's expert. Depositions taken for the sole purpose of establishing the foundation for admissibility of documents produced by any party or non-party do not count toward the limit on depositions. Such depositions shall be designated at the time that the deposition is noticed and shall be noticed only after the party taking the deposition has taken reasonable steps to establish the authenticity through other means.

b. *Written Discovery*. Absent good cause shown, all written discovery shall be served no later than **March 30, 2010**. Interrogatories shall be limited to 25 per side, including sub-parts. There will not be a limit on the number of requests for production of documents, requests for admissions, or Rule 45 subpoenas for documents that may be served by the parties.

c. *Nationwide Service of Trial Subpoenas*. Due to the geographic dispersion of potential witnesses in this action, the parties request permission, pursuant to 15 U.S.C. § 23, to issue trial subpoenas that may run into any other federal district.

6. Pre-Trial Disclosures.

a. *Witness Lists*. The parties shall exchange initial trial live witness lists no later than **December 4, 2009**. Each party may amend its initial witness list by no later than **March 23, 2010**. Despite the limitation on the number of depositions (excluding experts) that each party may take, each party shall have the right to depose any witness on the opposing party's witness list, even if the limitation is exceeded.

b. *Exhibit Lists*. No later than **July 2, 2010**, the parties shall exchange lists of exhibits that each party anticipates introducing at trial during its case-in-chief, as well as a marked set of these exhibits. Such lists will be compiled in an agreed-upon electronic format listed by Bates number. The parties will also endeavor to agree upon reasonable limits on the number of trial exhibits that may be designated by each side. All documents contained on a party's exhibit list must have been previously produced during discovery in this case. The parties will exchange objections to the exhibits to be offered by the other party no later than **July 19, 2010**. Objections to such documents must be made within 3 business days after the date upon which they are added to the opposing party's exhibit list. Documents identified on or added to any party's exhibit list that are not timely objected to pursuant to this Paragraph shall be presumed to be authentic and admissible. Exhibit lists need not include exhibits used solely for purposes of cross-examination or rebuttal.

The parties will endeavor to resolve any objections regarding the authenticity or admissibility of all exhibits (including demonstratives and those used during the case-in-chief, cross-examination, or rebuttal) in advance of their use. Any objections to exhibits that are not resolved by the parties after they have conferred will be resolved by the Court.

c. *Deposition Designations*. The parties shall exchange (page and line number) designations of deposition testimony to be offered at trial no later than **June 4, 2010**. Each party must provide objections to deposition testimony no later than **June 18, 2010**. Each party must provide counter designations to deposition testimony no later than **June 25, 2010**. Objections to any counter designations shall be exchanged no later than **July 2, 2010**.

7. Pre-Trial Conference. The pre-trial conference will be held on **August 19, 2010**, unless otherwise directed by the Court.

8. Trial. Trial shall commence on **August 30, 2010**, or as soon thereafter as the Court calendar permits.

LOCAL RULE 26-1 REQUIREMENTS

9. Complex Cases. The parties agree that this is not a complex case, insofar as the Manual for Complex Litigation (current edition) should not be used in this case.

10. Motion Schedule. The parties agree that the deadline for all dispositive motions is **June 2, 2010**, and that a hearing on dispositive motions shall be held on **July 16, 2010**, unless otherwise directed by the Court. The parties agree that the deadline for all motions in limine and Daubert motions is **June 28, 2010**, and that a hearing on motions in limine and Daubert motions shall be held on **August 19, 2010**, unless otherwise directed by the Court. The parties may file motions for summary judgment or partial summary judgment relating to the claims in the Complaint.

11. Settlement. The parties agree to hold a settlement conference around December 10, 2009. The parties agree to use Settlement Procedure No. 1 under Local Rule 16-15.4 and appear before the Magistrate Judge assigned to the case for such settlement proceedings as the judge may conduct or direct.

12. Trial Estimate. The parties expect that the trial will take 20 days, 10 days each for plaintiff and defendant.

13. Additional Parties. The parties do not expect any additional parties to make an appearance in this case.

14. Expert Witnesses.

a. Plaintiff's case-in-chief expert report(s) will be delivered to Defendant by **January 15, 2010**.

b. Defendant will depose Plaintiff's expert no later than **February 5, 2010**.

c. Defendant's case-in-chief expert report(s) will be delivered to Plaintiffs by **February 19, 2010**.

d. Plaintiff will depose defendant's expert no later than **March 12, 2010**.

e. Plaintiff's expert rebuttal report(s) will be delivered to Defendant by **March 26, 2010**.

Relevant Events/Dates	
Submit Stipulated Protective Order	June 1, 2009 or earlier
Exchange Initial Disclosures	June 30, 2009
Deadline to Join Parties or Amend Pleadings	July 31, 2009
Exchange Preliminary Witness Lists	December 4, 2009
Settlement Conference	December 10, 2009
Plaintiff Expert Report Due	January 15, 2010
Deadline for Deposition of Plaintiff's Expert	February 5, 2010
Defendant Expert Report Due	February 19, 2010
Deadline for Deposition of Defendant's Expert	March 12, 2010
Deadline to Supplement Witness Lists	March 23, 2010
Plaintiff Rebuttal Expert Report Due	March 26, 2010
Written Discovery Cutoff	March 30, 2010
Discovery Cutoff	May 14, 2010
Dispositive Motion Cutoff	June 2, 2010
Deposition Designations Due	June 4, 2010
Objections to Deposition Designations Due	June 18, 2010
Oppositions to Dispositive Motions Due	June 23, 2010
Counter Designations Due	June 25, 2010

Objections to Counter Designations Due	July 2, 2010
Motions in Limine/Daubert Motions Due	June 28, 2010
Reply Briefs for Dispositive Motions Due	June 30, 2010
Exchange Exhibit Lists	July 2, 2010
Stipulations of Fact Due	July 7, 2010
Hearing on Dispositive Motions	July 16, 2010
Objections to Exhibits Due	July 19, 2010
Oppositions to Motions in Limine/Daubert Motions Due	July 19, 2010
Joint Exhibit List Due	July 23, 2010
Memorandum of Contentions of Fact and Law Due	July 26, 2010
Reply Briefs for Motions in Limine/Daubert Motions Due	August 2, 2010
Hearing on Motions in Limine/Daubert Motions	August 19, 2010
Pre-Trial Conference	August 19, 2010
Demonstrative Exhibits Due	August 19, 2010
Trial Briefs Due	August 23, 2010
Trial Begins	August 30, 2010

Dated: May 22, 2009 By:_____/s/_____

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Dated: May 22, 2009

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of May, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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