

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

AT&T INC., et al.,

Defendants.

Case No. 1:11-cv-01560 (ESH)

[PROPOSED] ORDER GOVERNING TRIAL PREPARATION

Under Federal Rule of Civil Procedure 16(b) and Local Rule of Civil Procedure 16.4, it is hereby ORDERED as follows:

1. Non-Party Depositions. Under the scheduling order established by the Court, the party noticing the deposition of a non-party gets up to 7 hours to conduct that deposition. The non-noticing party may ask questions at the end of the deposition. If the 7 hours is exhausted, the non-noticing party may seek agreement from the witness to accommodate additional questions by the non-noticing party so that the witness does not have to appear for a second deposition. If the non-party does not agree, then the non-noticing party may either seek relief from Judge Levie from the 7-hour limit or notice the non-party separately for a deposition.
2. Exhibits. Plaintiffs shall identify their trial exhibits on January 29, 2012, and provide notice to Defendants and non-parties of any confidential documents. Defendants shall identify their trial exhibits on February 1, 2012, and provide notice to Plaintiffs and non-parties of any confidential documents. Parties and non-parties shall file confidentiality concerns with Plaintiffs' and Defendants' exhibits on February 3, 2012. On February 6,

2012, there shall be an all-day hearing before Judge Levie to address confidentiality concerns with proposed exhibits. February 8, 2012, shall be the deadline for parties to file admissibility objections to Plaintiffs' and Defendants' exhibits.

3. On February 1, 2012, Plaintiffs [Defendants] shall present a tutorial to Judge Huvelle on the industry and the relevant technology. On February 2, 2012, Defendants [Plaintiffs] shall present a tutorial to Judge Huvelle on the industry and the relevant technology.
4. Plaintiffs shall file their pre-trial brief on January 29, 2012. Defendants shall file their pre-trial brief on February 8, 2012. [Or: Plaintiffs and Defendants shall file their initial pre-trial brief on January 29, 2012. Plaintiffs and Defendants shall file their responsive pre-trial brief on February 8, 2012.]

SO ORDERED this _____ day of _____ 2011.

Hon. Richard A. Levie, Special Master