

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

UNITED STATES OF AMERICA et al.,

Plaintiffs,

v.

AT&T INC. et al.,

Defendants.

Civil Action No. 11-01560 (ESH)

[PROPOSED] ORDER RE: TRIAL WITNESSES

It is hereby ORDERED:

1. The following schedule shall govern the identification of fact witnesses in this matter:

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|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| November 18, 2011: | Plaintiffs provide an initial list of up to 15 potential fact witnesses. This list may include either the names of specific witnesses or nonparties, with particular individuals identified as soon as possible. |
| November 25, 2011: | Defendants provide an initial list of up to 15 potential fact witnesses. This list may include either the names of specific witnesses or nonparties, with particular individuals identified as soon as possible. |
| December 9, 2011: | Plaintiffs provide a supplemental list of up to 15 additional potential fact witnesses. |
| December 16, 2011: | Defendants provide a supplemental list of up to 15 additional potential fact witnesses. |
| January 12, 2012: | Plaintiffs and Defendants provide supplemental lists of up to 5 additional potential fact witnesses. |
| January 23, 2012: | In accord with Local Civil Rule 16.5, the parties shall simultaneously file a schedule of witnesses to be called by the party. Trial witnesses must come from the lists of previously identified witnesses, except that, in recognition of the compressed discovery schedule, parties shall have the opportunity by agreement or for good cause shown to add a |

limited number of additional witnesses before February 3, 2011. The schedule shall include all information required under Local Civil Rule 16.5(b)(5).

2. The foregoing dates may be modified for good cause shown in view of the fact that document discovery and depositions are ongoing and the discovery period does not end until January 10, 2012.
3. To ensure a fair opportunity for cross-examination of the opposing side's witnesses, each side is permitted to depose and to obtain relevant documents from any witness (including nonparty witnesses) on the opposing side's witness list prior to deposition of the potential witness, even if document productions and depositions must be conducted after the fact discovery cut-off of January 10, 2012.
4. The Court defers consideration of the use of a time clock, witness limits, or other trial management tools until a later date.

SO ORDERED this ____ day of _____, 2011.

Hon. Ellen S. Huvelle
United States District Judge