

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FUBOTV INC., et al.,

Plaintiffs,

-against-

THE WALT DISNEY COMPANY, et al.,

Defendants.

24-CV-01363 (MMG)

**ORDER FOR PRETRIAL
CONFERENCE**

MARGARET M. GARNETT, United States District Judge:

Counsel for all parties are HEREBY ORDERED to appear for a conference with the Court on **Thursday, September 12, 2024 at 11:00a.m.** The conference will be held in person in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York 10007. Counsel for the parties shall be prepared to discuss the following topics at the conference:

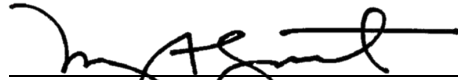
- 1. Pending Motions to Dismiss.** Defendants' motions to dismiss filed on April 9 and 10, 2024 (*see* Dkt. Nos. 113, 115, 122) still technically remain pending. Plaintiffs have since filed an Amended Complaint. *See* Dkt. Nos. 144, 145. After the filing of the Amended Complaint, the Court stayed all briefing on Defendants' motions to dismiss. *See* Dkt. No. 146. At the conference, Defendants shall be prepared to discuss whether, in light of the developments in this matter since the filing of the Amended Complaint, they will (i) answer or (ii) file new or amended motions to dismiss.
- 2. Remaining Discovery.** Regardless of Defendants' decision regarding their response to the Amended Complaint, the Court does not intend to stay discovery in this action. All counsel shall be prepared to discuss the discovery remaining to be completed in this matter and a realistic timeline for completing such discovery.
- 3. Trial.** Counsel shall be prepared to discuss (i) the estimated length of time for a jury trial on all issues in this matter, and (ii) whether they are willing to forego summary judgment motion practice in order to hold trial in early 2025. The Court can generally accommodate a trial in this matter beginning as early as late February 2025. If the parties request a trial be scheduled, they shall come prepared with consent dates for the trial.

For all the above topics, counsel shall meet and confer and attempt to reach consensus prior to the conference. Counsel are of course welcome to raise any additional case management

issues at the conference that are not subsumed in the above-listed topics. If counsel believe that a joint letter setting forth the parties' respective positions in advance of the conference would be helpful to the Court, they shall file such a letter **by no later than September 10, 2024**.

Dated: August 26, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Margaret M. Garnett', written over a horizontal line.

MARGARET M. GARNETT
United States District Judge