

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FUBOTV INC., et al.,

Plaintiffs,

-against-

THE WALT DISNEY COMPANY, et al.,

Defendants.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/19/2024

24-CV-01363 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

It is HEREBY ORDERED that the hearing on Plaintiffs' Motion for Preliminary Injunction (the "PI Hearing") will be held on **Wednesday, August 7, 2024 at 9:30 a.m.**, and will continue on subsequent days as necessary. The PI Hearing will be held in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007. **The date of the PI Hearing should be treated as firm and will not be moved absent extraordinary circumstances.**

It is FURTHER ORDERED that the parties shall comply with the following discovery schedule in advance of the PI Hearing, which has been adopted from Exhibit A of the parties' joint letter, *see* Dkt. No. 139-1, with minor modifications by the Court indicated in red text. As stated at the April 16, 2024 conference, the parties are free to modify the interim discovery dates between each other on consent without leave of Court, but should endeavor to raise any discovery disputes related to each event in advance of the corresponding date indicated below.

Event	Deadline
Deadline to Serve Requests for Production	Monday, April 22, 2024
Deadline to Serve Responses and Objections to Requests for Production	Friday, May 10, 2024
Deadline for Substantial Completion of Production of Documents	Friday, June 7, 2024
Parties Serve Preliminary Fact Witness Lists	Monday, June 10, 2024
Close of Fact Discovery	Friday, June 28, 2024
Defendants to Serve Expert Rebuttal Reports	Wednesday, July 10, 2024
Plaintiffs to Serve Expert Reply Reports	Expert Reply Reports Are Not Permitted Absent Further Leave of the Court
Close of Expert Discovery	
Defendants' Response to Plaintiffs' Motion for Preliminary Injunction	Thursday, July 25, 2024

File and Exchange of Final Fact Witness Lists	Monday, July 29, 2024
File and Exchange of Exhibit Lists	
Fubo's Reply in Support of Motion for Preliminary Injunction	Thursday, August 1, 2024
Preliminary Injunction Hearing	Wednesday, August 7, 2024 (and continuing on August 8, 2024 and August 9, 2024 as necessary)

Given the time restraints at-issue in this case relating to the potential launch of the Defendants' business combination in late August, **post-hearing briefing will not be permitted absent further leave of Court.**

With respect to the parties' disagreements as to interrogatories and the number of party depositions, as detailed in the joint letter and as illustrated in Exhibit A thereto, *see* Dkt. No. 139-1 at 3, the parties are HEREBY ORDERED to continue to meet and confer with respect to these (and any other) disputes that should arise in the course of the prehearing discovery as set forth in the Court's Individual Rules & Practices (the "Individual Rules"). *See* Individual Rule II(A)(6). The Court is prepared to address any disputes raised by the parties on an expedited basis, but will not do so before the parties have sufficiently met and conferred and before the issues are ripe for Court intervention. That said, given the accelerated nature of this matter, the parties are directed to work cooperatively and with an eye towards efficiently preparing for the PI Hearing, including considering the use of interrogatories to streamline discovery and to avoid duplicative or nonessential depositions if at all possible.

Finally, although the Court's Individual Rule regarding courtesy copies, *see* Rule II(B)(3), states that the movant should submit two courtesy copies of a complete set of motion papers at the time the reply is served, due to the expedited nature of this proceeding, each party is directed to submit courtesy copies of its briefing and accompanying motion papers **at the time of filing**. Thus, Plaintiffs are directed to submit courtesy copies of the opening briefing **no more than three business days from the filing of this Order**; Defendants shall submit courtesy copies of their response briefing on **Thursday, July 25, 2024** (or the morning of Friday, July 26, 2024 depending on the timing of electronic filing); and Plaintiffs shall submit courtesy copies of the reply briefing on **Thursday, August 1, 2024** (or the morning of Friday, August 2, 2024 depending on the timing of electronic filing.) For specific instructions regarding the format in which courtesy copies are to be submitted to the Court and associated delivery instructions, please see the Court's Individual Rule II(B)(3).

Dated: April 19, 2024
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge