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B. State the basis for federal jurisdiction.

Federal Question: Plaintiffs assert claims arising under the laws of the United States, namely, the Lanham Act, 15 U.S.C. § 1125. *See* 28 U.S.C. § 1331. The Court has supplemental jurisdiction over Plaintiffs’ state-law claims. *See* 28 U.S.C. § 1367.

C. Briefly describe the nature of the claims asserted in the complaint and the counterclaims and/or third-party claims.

Plaintiffs assert six claims against Zaman, each brought individually:

- Count I – Lanham Act/Federal Unfair Competition, under 15 U.S.C. § 1125(a) (by Plaintiff Orbitz, LLC). Orbitz, LLC alleges that Zaman has violated the Lanham Act because his acts of associating the Skiplagged.com website (“**Skiplagged**”) with Orbitz and its trademarks has and is likely to continue to cause confusion, cause mistake, and deceive consumers.
- Count II – Tortious Interference with Contract (by Plaintiff Orbitz Worldwide). Orbitz Worldwide alleges that Zaman has tortiously interfered with Orbitz Worldwide’s travel agency agreements with commercial airlines by promoting prohibited forms of airline travel on Skiplagged and enabling consumers to purchase tickets for prohibited travel through Orbitz’s website (www.orbitz.com).
- Count III – Breach of Contract (by Plaintiff Orbitz, LLC). Orbitz, LLC alleges that Zaman breached an Affiliate Agreement that he entered into with Orbitz, LLC in December 2013 by, among other things, implying that Orbitz is endorsing Skiplagged’s products and services, and using Orbitz’s website for prohibited reservations and bookings.
- Count IV – Lanham Act/Federal Unfair Competition, under 15 U.S.C. § 1125(a) (by Plaintiff United). United alleges that Zaman has violated the Lanham Act because his acts of associating Skiplagged with United and its trademarks has and is likely to continue to cause confusion, cause mistake, and deceive consumers.

- Count V – Tortious Interference with Contract (by Plaintiff United). United alleges that Zaman has tortiously interfered with United’s customer contractual relationships by inducing United customers to breach their contracts of carriage with United.
- Count VI – Misappropriation (by Plaintiff United). United alleges that Zaman has misappropriated United’s fare calculation and flight scheduling data, and has used this data to his advantage and to United’s disadvantage.

Currently, there are no counterclaims or third-party claims in the case.

D. Describe the relief sought by the plaintiff(s).

Orbitz seeks preliminary and permanent injunctive relief against Zaman that would enjoin him from falsely associating Skiplagged’s services with Orbitz, from tortiously interfering with Orbitz Worldwide’s travel agency agreements with commercial airlines, and from breaching the Affiliate Agreement. Orbitz also seeks damages in excess of \$75,000; treble damages, disgorgement of profits, and reasonable attorneys’ fees on its Lanham Act claim; punitive damages on its tortious interference claim; costs; and such other or further relief as the Court deems just.

United seeks preliminary and permanent injunctive relief against Zaman that would enjoin him from falsely associating Skiplagged’s services with United, from tortiously interfering with United’s contracts with its customers, and from misappropriating United’s fare and scheduling data. United also seeks damages in excess of \$75,000; treble damages, disgorgement of profits, and reasonable attorneys’ fees on its Lanham Act claim; punitive damages on its tortious interference and misappropriation claims; costs; and such other or further relief as the Court deems just.

E. List the names of any parties who have not yet been served.

None.

II. Discovery and Pending Motions

- A. Briefly describe all pending motions, including the date the motion was filed and the briefing schedule. State whether any of the pending motions have been mooted, no longer require a ruling for any other reason, or have been ruled upon yet still have a “pending” status on the docket.**

There is one pending motion, Zaman’s Motion to Dismiss the Claims of Plaintiff United Airlines, Inc. for lack of personal jurisdiction. (*See* Dkt. #24, filed 1/13/15) United’s responsive brief is currently due by 2/10/15. Zaman’s reply is currently due by 2/24/15.

Additionally, Zaman’s responsive pleading to the claims asserted by Orbitz, LLC and Orbitz Worldwide is due by 2/10/15.

- B. Briefly describe all discovery that the parties have conducted, any discovery that remains, any discovery schedules that have been set, and whether the parties anticipate that they will complete discovery according to the current deadlines.**

The parties have not taken any discovery, and no discovery schedules have been set. Plaintiffs anticipate that fact discovery can be completed within two (2) months. Assuming Defendant reaches a settlement with Orbitz, Defendant anticipates that fact discovery will take six (6) months and expert discovery will take an additional three (3) months.

- C. Briefly summarize all substantive rulings issued in the case.**

The Court has not made any substantive rulings.

III. Trial

- A. State whether there has been a jury demand.**

Plaintiffs have demanded a jury trial. (*See* Dkt. #1, p. 1; Dkt. #2, p. 1)

- B. State whether a trial date has been set; if not, provide the date by which the parties anticipate being ready for trial.**

No trial date has been set. Plaintiffs anticipate that that they can be ready for trial by May 2015. Assuming a settlement is reached on Orbitz's claims, Defendant anticipates that this case will not be ready for trial on United's claims until April 2016 at the earliest.

C. State whether a final pretrial order has been filed; if not, state whether there is a deadline for filing such an order.

No final pretrial order has been filed, and currently, there is no deadline for filing such an order.

D. Estimate the length of trial.

The parties anticipate that the trial will take three (3) to five (5) days.

IV. Settlement and Referrals

A. State whether any settlement discussions have occurred and the status of any settlement discussions. (Do not provide the particulars of any demands or offers that have been made.)

Settlement discussions between Orbitz and Zaman are ongoing.

United made an initial settlement offer to Zaman in late November 2014, to which Zaman did not respond. There are currently no ongoing settlement discussions between United and Zaman.

B. State whether the parties request a settlement conference at this time.

The parties do not request a settlement conference at this time.

C. Indicate whether there is an open referral to the assigned Magistrate Judge and, if so, the scope of the referral. Also indicate whether the parties unanimously consent to proceed before the assigned Magistrate Judge. The court strongly encourages parties to consent to the jurisdiction of the Magistrate Judge.

There is no open referral to the assigned Magistrate Judge. At this time, the parties do not unanimously consent to proceed before the Magistrate Judge.

Date: February 2, 2015

Respectfully submitted,

/s/ John S. Letchinger

/s/ Irwin B. Schwartz

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2015, I electronically filed the foregoing **REASSIGNMENT STATUS REPORT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all Counsel of Record.

By: /s/ Frank Blechschmidt
One of the Attorneys for Plaintiffs

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