

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA  
ENTERTAINMENT, INC.,

Plaintiffs,

- against -

DON KIRSHNER,

Defendant.

DON KIRSHNER,

Counterclaim/Third-Party Plaintiff,

- against -

ARIQ FOOTAGE, INC., CEA ENTERTAINMENT,  
INC. and STEVE Z AUCTIONS, INC. f/ka STEVE  
Z, INC.,

Third-Party Defendants.

DOCKET NO.:  
10 Civ. 4074 (GBD)

**[JOINT PROPOSED]**

**CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

**GEORGE B. DANIELS, District Judge:**

The Court hereby adopts this Case Management Plan and Scheduling Order in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636 (c).
2. Defendant desires this case to be tried to a jury, while Plaintiffs do not.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a) (I) will be completed no later than January 15, 2011.

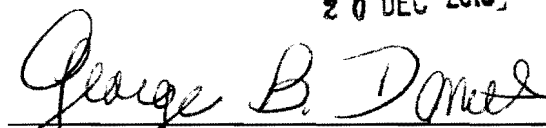
6. All fact discovery shall be completed no later than October 15, 2011.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶6 above.
  - a. Initial requests for production of documents to be served no later than January 31, 2011.
  - b. Initial Interrogatories to be served no later than January 31, 2011.
  - c. Depositions are to be completed by July 15, 2011.
    - i. Unless the parties agree or the Court “so orders,” depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. There is no priority in deposition by reason of a party’s status as a plaintiff or defendant.
    - iii. Unless the parties agree or the Court “so orders,” non-party depositions shall follow initial party depositions.
  - d. Initial Requests to Admit are to be served no later than January 31, 2011.
8. All expert disclosures, including reports, production of underlying documents and deposition are to be completed by:
  - a. Expert(s) of Plaintiff(s): November 15, 2011.
  - b. Expert(s) of Defendant(s): November 30, 2011.
9. All discovery is to be completed no later than December 15, 2011.
10. The Court will schedule a post-discovery status conference within three (3) weeks of the closing of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two (2) weeks prior to the post-discovery status conference date.

12. All counsel must meet for at least one hour to discuss settlement not later than two (2) weeks following the close of fact discovery. Accordingly, counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.
13. The parties shall submit a Joint Pretrial Order prepared in accordance with the Rule 26(a) (3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
14. Counsel for the Parties have conferred and until all parties appear, it is difficult to estimate the projected length of the trial; subject to that caveat, their present best estimate of the length of trial is ( ) days.
15. The post-discovery status conference is scheduled for *March 10*, 2011.

Dated: New York, New York  
December 16, 2010

SO ORDERED:

20 DEC 2010

  
HON. GEORGE B. DANIELS,  
UNITED STATES DISTRICT JUDGE  
HON. GEORGE B. DANIELS