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THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATIGEO LLC, a Washington limited liability company, and MICHAEL SANDOVAL, an individual; and <p style="text-align: right;">Plaintiffs,</p>)	Civil Action No. 2:13-cv-1694-JLR JOINT STATUS REPORT AND DISCOVERY PLAN
vs.)	
OFFSHORE LIMITED D, a California partnership; DENNIS MONTGOMERY, individually and as a partner of Offshore Limited D; ISTVAN BURGYAN, individually and as a partner of Offshore Limited D; DEMARATECH, LLC, a California limited liability company; and DOES 1-25, inclusive; <p style="text-align: right;">Defendants.</p>)	

This Joint Status Report and Discovery Plan is filed by the parties, by and through their respective counsel, in response to this Court's Order of October 24, 2013 (Dkt # 28).

1. Statement of the Nature and Complexity of the Case

This case is of moderate complexity, involving the federal Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), and state libel claims under California law.

2. Deadline for Joining Additional Parties

The parties propose that additional parties be joined by June 27, 2014.

1 **3. Magistrate**

2 The parties do not consent to the referral of this matter to a United States Magistrate
3 Judge at this time.

4 **4. Discovery Plan**

5 (A). Initial Disclosures: The deadline for serving initial disclosures is December 24,
6 2013.

7 (B). Phasing of Discovery: N/A

8 (C). Electronically Stored Information (ESI): The parties propose adopting a modified
9 version of the model e-discovery order issued by the U.S. Court of Appeals for the Federal
10 Circuit and will work together to develop an appropriate procedure for submission to the Court.

11 (D). Privilege Issues: The parties believe that a protective order under Fed. R. Civ. P.
12 26(c) is appropriate to limit the disclosure of confidential commercial or other information and
13 documents. The parties contemplate presenting a proposed stipulated protective order, which
14 will include the privilege and work product non-waiver protections of Fed. R. Evid. 502(d), for
15 the Court's consideration.

16 (E). Proposed Limitations on Discovery: The parties do not believe that any changes
17 should be made to the limitations on discovery imposed under by the Federal Rules of Civil
18 Procedure and Local Civil Rules, or that any other limitations should be imposed.

19 (F). Discovery Orders: See section 4(D) above.

20 **5. LCR 26(f)(1) Matters**

21 (A). Prompt Case Resolution: The parties believe that ADR in the form of a private
22 mediation would be most beneficial; however, the parties agree the timing of such ADR should
23 be after initial motion practice and after the parties have had an opportunity to conduct
24 meaningful discovery.

25 (B). Alternative Dispute Resolution: See section 5(A) above.

26 (C). Related Cases: N/A

1 (D). Discovery Management: The parties agree to work together to minimize the
2 existence, burden, and expense of discovery and discovery disputes.

3 (E). Anticipated Discovery Sought: The parties anticipate obtaining discovery on the
4 matters set forth in the pleadings and motion papers filed with the Court.

5 (F). Phasing of Motions: N/A

6 (G). Preservation Of Discoverable Information: The parties agree to preserve all
7 discoverable information and to disable any automatic record deletion or over-writing systems
8 during the pendency of this litigation, including appeals.

9 (H). Privilege Issues: See section 4(D) above.

10 (I). Model Protocol of Discovery of ESI: See section 4(C) above.

11 (J). Alternatives to Model Protocol: See section 4(C) above.

12 **6. Date for Completion of Discovery**

13 The parties believe that the following discovery deadlines are appropriate:

- 14 Fact discovery: October 17, 2014
- 15 Opening expert reports: November 14, 2014
- 16 Rebuttal expert reports: December 12, 2014
- 17 Expert discovery: January 23, 2015

18 **7. Bifurcation**

19 The parties believe that this case should not be bifurcated.

20 **8. Pre-Trial Statements and Pre-Trial Order**

21 The parties do not believe that the pretrial statements and pretrial order called for by
22 LR 16(e), (h), (i), and (k) and 16.1 should be dispensed with, either in whole or in part.

23 **9. Individualized Trial Program (LCR 39.2) and ADR (LCR 39.1)**

24 The parties do not intend to utilize the Individualized Trial Program under LCR 39.2.
25 As to ADR (LCR 39.1), see section 5(A) *supra*.
26

10. Suggestions for Shortening or Simplifying the Case

The parties agree under Fed. R. Civ. P. 4(e) and 5(b)(2)(E) to the service of all pleadings, discovery, motion papers, and other documents via email to counsel. This agreement on email service provides an alternative acceptable form of service in addition to the other traditional forms of service (e.g., in-person, mail, etc.) that are provided for under the Federal Rules of Civil Procedure.

11. Date Ready for Trial

The parties believe that this matter should be ready for trial by March 23, 2015.

12. Trial by Jury

A jury trial has been requested.

13. Number of Trial Days Required

The parties anticipate that trial of this matter will require approximately 7 court days.

14. Names, Addresses and Telephone Numbers of Trial Counsel

Plaintiffs:

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Counsel for Defendants Offshore Limited D
and Demaratech, LLC

15. Trial Date Complications

No scheduling conflicts are currently known on or around the proposed trial date.

16. Unserved Defendants (if any)

N/A.

17. Scheduling Conference

The parties do not believe that a scheduling conference is required prior to the entry of a scheduling order.

18. Rule 7.1 Disclosures

Non-governmental corporate Plaintiff and Defendants filed their Rule 7.1 disclosures on December 11, 2013 and October 30, 2013, respectively.

19. Judiciary’s Pilot Program on Cameras in the Courtroom

The parties do not consent to the Judiciary’s *Pilot Program on Cameras in the Courtroom*.

DATED this 20th day of December, 2013

Respectfully Submitted,

<p>STOEL RIVES LLP</p> <p><u>/s/ Brian C. Park</u></p> <p>Brian C. Park, WSBA No. 25,584 Maren R. Norton, WSBA No. 35,435 Hunter Ferguson, WSBA No. 41,485 600 University Street, Suite 3600 Seattle, WA 98101 Telephone: (206) 386-7542 Facsimile: (206) 386-7500 BCPark@stoel.com MRNorton@stoel.com HOFerguson@stoel.com</p> <p>Counsel for Plaintiff Atigeo LLC</p>	<p>McGAUGHEY BRIDGES DUNLAP PLLC</p> <p><u>/s/ Shellie McGaughey (via email authorization)</u></p> <p>Shellie McGaughey, WSBA No. 16809 Peter Nierman, WSBA No. 44636 325-118th Avenue SE, Suite 209 Bellevue, WA 98005 Telephone: (425) 462-4000 Facsimile: (425) 637-9638 Shellie@mcbdlaw.com peter@mcbdlaw.com Katie@mcbdlaw.com</p> <p>Counsel for Defendants Dennis Montgomery and Istvan Burgyan</p>
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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following participants:

Paul Edward Brain pbrain@paulbrainlaw.com, jdavenport@paulbrainlaw.com

Shellie McGaughey shellie@mcbdlaw.com, katie@mcbdlaw.com

Stoel Rives LLP

s/Melissa A. Wood
Melissa A. Wood, Legal Secretary
Dated at Seattle, WA on December 20, 2013

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