

The Honorable James L. Robart

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
JUSTICE, and JEFFERSON B. SESSIONS, III,
in his official capacity as Attorney General of the
United States,

Defendants.

No. 16-cv-00538 - JLR

STIPULATION AND
[PROPOSED] ORDER TO
MODIFY SCHEDULE

Noted for Consideration:
March 14, 2017

STIPULATION

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Civil Rule 10(g), plaintiff Microsoft Corporation (“Microsoft”) and defendants The United States Department of Justice and Jefferson B. Sessions, III, in his official capacity as Attorney General (collectively, “Federal Defendants”), by and through their attorneys of record, stipulate to the Court’s entry of the proposed Order set forth below.

In support of this request, the parties represent the following to the Court:

1. Microsoft filed this action on April 14, 2016, and filed an Amended Complaint [Dkt. 28] on June 17, 2016.
2. On October 26, 2016, the Court entered its Minute Order Setting Trial Dates and Related Dates [Dkt. 99]. That Minute Order set a bench trial date of December 11, 2017.

1 3. On February 8, 2017, the Court entered its Order on Motion to Dismiss [Dkt.
2 107], granting in part and denying in part the Federal Defendants' Motion to Dismiss.

3 4. Pending the Court's disposition of the Motion to Dismiss, the parties held
4 discovery in abeyance, pursuant to the agreement embodied in the Joint Status Report. *See*
5 Joint Status Report and Discovery Plan [Dkt. 93] 2:10-13. In that same Report, the parties
6 represented that they sought "a discovery period of approximately six months, beginning within
7 30 days of the Court's decision on Defendants' motion to dismiss[.]" *Id.* 5:6-9.

8 5. In light of the foregoing, and in light of scheduling conflicts for counsel that
9 have arisen since the filing of the Joint Status Report, the parties request a slight modification
10 in the bench trial date and intervening dates established in the Court's Minute Order. The
11 proposed modifications would extend the discovery cutoff by approximately six weeks, extend
12 the interval between the discovery cutoff and the trial date by approximately one month (to
13 allow more time for the Court to address anticipated cross-motions for summary judgment),
14 and extend the trial date by almost three months. The parties therefore jointly propose to the
15 Court the following adjustments to the dates previously ordered by the Court:

Event	Existing Deadline	Proposed Deadline
BENCH TRIAL DATE (5 days)	December 11, 2017	March 5, 2018
Deadline for amending pleadings	June 14, 2017	July 14, 2017
Disclosure of expert testimony under FRCP 26(a)(2)	June 14, 2017	July 14, 2017
All motions related to discovery must be filed by (<i>see</i> LCR 7(d))	July 14, 2017	August 25, 2017
Discovery completed by	August 14, 2017	September 29, 2017
All dispositive motions and motions challenging expert testimony must be filed by (<i>see</i> LCR 7(d))	September 12, 2017	October 26, 2017
Settlement conference deadline	October 12, 2017	December 8, 2017
Deadline for Motions in Limine	October 30, 2017	January 22, 2018

1	Agreed Pretrial Order Due	November 20, 2017	February 12, 2018
2	Deposition Designations submitted to the court (<i>see</i> LCR 32(e))	November 22, 2017	February 16, 2018
3	Pretrial conference	November 27, 2017	February 19, 2018
4	Trial briefs, proposed findings of fact and conclusions of law	December 4, 2017	February 26, 2018

6. Based on the foregoing, the parties respectfully request that the Court enter the Order set forth below, approving the requested scheduling revision.

DATED this 14th day of March, 2017.

Davis Wright Tremaine LLP
Attorneys for Microsoft Corporation

By s/ Ambika K. Doran
Stephen M. Rummage, WSBA #11168
Ambika K. Doran, WSBA #38237
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Phone: 206-622-3150, Fax: 206-757-7700
E-mail: steverummage@dwt.com
E-mail: ambikadoran@dwt.com

Laura Handman (*pro hac vice*)
Davis Wright Tremaine LLP
1919 Pennsylvania Ave NW #800,
Washington, DC 20006
Phone: (202) 973-4200, Fax: (202) 973-4429
E-mail: laurahandman@dwt.com

James M. Garland (*pro hac vice*)
Alexander A. Berengaut (*pro hac vice*)
Katharine R. Goodloe (*pro hac vice*)
Covington and Burling LLP
One CityCenter
850 10th St., N.W.
Washington, DC 20001
Phone: (202) 662-6000, Fax: (202) 662-6291
Email: jgarland@cov.com,
aberengaut@cov.com, kgoodloe@cov.com

Bradford L. Smith
David M. Howard
Jonathan Palmer
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Attorneys for Microsoft Corporation

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BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General
ANNETTE L. HAYES
United States Attorney
KERRY J. KEEFE
Civil Chief, Assistant United States Attorney
ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

By s/ Eric J. Soskin
Eric J. Soskin, PA Bar #200663
Jennie Kneeder, DC Bar #500261
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Tel: (202) 353-0533
Fax: (202) 616-8470
Email: Eric.Soskin@usdoj.gov
Email: jennie.l.kneeder@usdoj.gov

Attorneys for Federal Defendants

ORDER

Based on the foregoing Stipulation, the Court VACATES the deadlines set forth in the Minute Order Setting Trial Dates and Related Dates [Dkt. 99]. The Court further ORDERS that the parties shall adhere to the revised deadlines set forth above.

IT IS SO ORDERED.

DATED this ____ day of _____, 2017.

Hon. James L. Robart
United States District Judge

Presented by:
Davis Wright Tremaine LLP
Attorneys for Microsoft Corporation

By s/ Ambika K. Doran
Stephen M. Rummage, WSBA #11168
Ambika K. Doran, WSBA #38237

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this 14th day of March, 2017.

Davis Wright Tremaine LLP
Attorneys for Microsoft Corporation

By s/ Ambika K. Doran
Stephen M. Rummage, WSBA #11168
Ambika K. Doran, WSBA #38237
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: steverummage@dwt.com
E-mail: ambikadoran@dwt.com

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