

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

G. W. ARU, LLC, et al.,

Plaintiffs,

v.

W. R. GRACE & CO.-CONN.,

Defendant.

Civil Action No. JKB-22-2636

SCHEDULING AND DISCOVERY ORDER

I. DEADLINES

February 21, 2023:	Deadline to move for joinder of additional parties and amendment of pleadings
March 20, 2023:	Deadline for conference about discovery of electronically stored information
March 21, 2023:	Deadline to complete expedited discovery, Defendant to produce: (1) product samples of CP® 5, CP® P, and Optimized CP® P; (2) testing data regarding metal distribution in CP® 5, CP® P, and Optimized CP® P; (3) customer trial testing data in its possession, custody or control that is referred to in Exhibits C-D to Plaintiffs' First Amended Complaint; (4) technical data sheets for CP® 5, CP® P, and Optimized CP® P; and (5) customer communications, product announcements, and collateral materials in any reasonably accessible form regarding CP® 5, CP® P, and Optimized CP® P
April 14, 2023:	Plaintiffs' service of Local Rule 804.1.a)-b) Initial Disclosure of Infringement Contentions and accompanying document production
May 15, 2023:	Defendant's service of Local Rule 804.1.c)-d) Initial Disclosure of Invalidity Contentions and accompanying document production
June 13, 2023:	Plaintiffs' service of Local Rule 805.1.b) Proposed Claim Construction Statement; Initial Disclosure of Infringement Contentions will satisfy Local Rule 805.1.a)

July 13, 2023:	Defendant's service of Local Rule 805.1.d) Responsive Claim Construction Statement; Initial Disclosure of Invalidity Contentions will satisfy Local Rule 805.1.c)
August 7, 2023:	Filing of Local Rule 805.1.f) Joint Claim Construction Statement
August 21, 2023:	Filing of Local Rule 805.1.g) Opening Claim Construction Briefs
September 18, 2023:	Filing of Local Rule 805.1.h) Responsive Claim Construction Briefs
September 28, 2023, at 9:30 a.m. to 12:30 p.m.	Claim Construction Tutorial; tutorial will be off the record, Court prefers presentations by experts or party employees rather than counsel, presentations limited to one hour per side
October 3, 2023, at 10:00 a.m. to 5:00 p.m.:	Claim Construction Hearing
October 31, 2023:	Estimated issuance of Claim Construction Order
December 22, 2023:	Deadline to complete settlement conference with Magistrate Judge
January 9, 2024:	Fact discovery cutoff (other than requests for admission for the purposes of establishing authenticity of documents or the fact that documents constitute business records)
February 6, 2024:	Opening expert reports
March 5, 2024:	Rebuttal expert reports
April 2, 2024:	Expert discovery cutoff and status report
April 9, 2024:	Deadline for service of requests for admission for the purpose of establishing the authenticity of documents or the fact that documents constitute business records
May 15, 2024:	Dispositive pretrial motions deadline
June 10, 2024:	Opposition to dispositive pretrial motions deadline
July 1, 2024:	Reply in support of dispositive pretrial motions deadline
July 10, 2024:	Deadline to complete second settlement conference with Magistrate Judge

II. DISCOVERY

Initial Disclosures

This is an action in which Fed. R. Civ. P. 26(a)(1) disclosures need not be made.

Discovery Conference

This action is exempted from the requirements of Fed. R. Civ. P. 26(d)(1) and from Fed. R. Civ. P. 26(f).

Procedure

All the provisions of Local Rule 104 apply, including the following:

- a. All discovery requests must be served in time to assure that they are answered before the discovery deadline. An extension of the deadline will not be granted because of unanswered discovery requests.
- b. The existence of a discovery dispute as to one matter does not justify delay in taking any other discovery. The filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery deadline.
- c. No discovery materials, including Rule 26(a)(1) and Rule 26(a)(2) disclosures, should be filed with the Court.
- d. Motions to compel shall be filed in accordance with Local Rule 104.8 and applicable CM/ECF procedures.
- e. The parties are familiar with the Discovery Guidelines of this Court, which are Appendix A to the Local Rules.
- f. **The parties have agreed to stipulate to entry of a Local Rule 104.13 Confidentiality Order and a Local Rule 104.14 Stipulated Order Regarding Non-waiver of Attorney-Client Privilege and Work Product Protection.**

Deposition Hours

The parties may take depositions of up to 12 fact witness per side, plus depositions of experts on each expert report. The ordinary time limit under Rule 30(d)(1) of 7 hours per deposition shall apply.

Any colloquy engaged in by counsel shall be counted against his/her client's deposition time.

The number of depositions and deposition hours may be changed by the Court upon request of the parties. Joint requests are almost always granted.

III. STATUS REPORT

The parties shall file on the day of the expert discovery cutoff set forth above a status report covering the following matters:

- a. Whether discovery has been completed;
- b. Whether any motions are pending;
- c. Whether any party intends to file a dispositive pretrial motion;
- d. Whether the case is to be tried jury or non-jury and the anticipated length of trial;
- e. A certification that the parties have met to conduct serious settlement negotiations; and the date, time and place of the meeting and the names of all persons participating therein;
- f. Whether each party believes it would be helpful to refer this case to another judge of this court for a settlement or other ADR conference, either before or after the resolution of any dispositive pretrial motion;
- g. Whether all parties consent, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge conduct all further proceedings in this case, either before or after the resolution of any dispositive pretrial motion, including trial (jury or non-jury) and entry of final judgment.
- h. Any other matter which you believe should be brought to the Court's attention.

IV. DISPOSITIVE PRETRIAL MOTIONS

If more than one party intends to file a summary judgment motion, the provisions of Local Rule 105.2.c apply.

After motions and responses thereto have been filed, I will advise you if a hearing is to be scheduled.

V. STATUS AND PRETRIAL CONFERENCES

I will set a scheduling conference after the status report has been filed, unless that report indicates that one or more of you intends to file a dispositive pretrial motion. In the latter event I will not set a scheduling conference until after I have ruled upon the motion (or the dispositive pretrial motion deadline passes without the anticipated motion being filed).

At the scheduling conference:

- a. I will set a deadline for submitting the pretrial order, motions in limine, proposed voir dire questions and proposed jury instructions. In addition to filing the proposed voir dire, jury instructions, and verdict sheet via CM/ECF, counsel is asked also to submit them to Chambers in MSWord format via the Chambers inbox MDD_JKBChambers@mdd.uscourts.gov.

- b. I will set a pretrial conference date and a trial date; and

- c. I will ask you whether a settlement or other ADR conference with a judicial officer would be useful, and whether all parties would consent to trial (jury or non-jury) before a

U.S. Magistrate Judge. **Please confer with your client about these matters before the conference so that you are in a position to respond.**

VI. ATTORNEYS' FEES

In any case where attorneys' fees may be sought by the prevailing party, counsel must be familiar with the provisions of Local Rule 109.2 and the Rules and Guidelines for Determining Attorneys' Fees in Certain Cases which are Appendix B to the Local Rules.

The parties are exempted from the requirement to exchange quarterly statements showing the amount of time spent on the case and the total value of that time under Guideline 1.c. of the Rules and Guidelines for Determining Attorneys' Fees in Certain Cases which are Appendix B to the Local Rules.

VII. COMPLIANCE WITH LOCAL RULES AND CM/ECF PROCEDURES

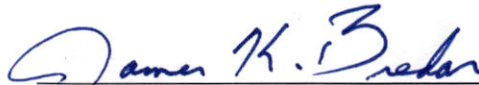
The court will demand compliance with the Local Rules and CM/ECF procedures. If you need to obtain a copy of the Local Rules or the CM/ECF procedures, they are available on our website at www.mdd.uscourts.gov.

VIII. COMPLIANCE WITH PRIVACY PROTECTION RULE

Counsel are reminded that the Federal Rules of Civil Procedure were amended, effective December 1, 2007, with the addition of a new Rule 5.2 which has detailed requirements requiring the redaction of filings with this court that contain an individual's social security number, tax payer identification number, or birth date, the name of an individual known to be a minor, or a financial account number. It is essential that counsel comply with this rule and with the revised version of the Judicial Conference Privacy Policy adopted in March 2008. For further information on the Judicial Conference Privacy Policy see:

http://www.mdd.uscourts.gov/news/news/privacy_memo.pdf.

Date: January 26, 2023



James K. Bredar
Chief Judge