

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Blackhawk Network, Inc., an Arizona
corporation,

Plaintiff/Counterdefendant,

vs.

SL Card Company Inc. d/b/a Linq3, an
Arizona corporation,

Defendant/Counterclaimant.

No. CV 2022-051638

SCHEDULING ORDER

(Assigned to The Honorable
Timothy Thomason)

Upon consideration of the parties' Joint Report, the Court orders as follows:

1. Initial disclosure: The parties have exchanged their initial disclosure statements relating to Blackhawk's complaint and will exchange initial disclosure statements relating to SL Card's counterclaims no later than February 8, 2023.

2. Expert Witness disclosure:

The parties shall simultaneously disclose areas of expert testimony by: May 1, 2023

The parties shall simultaneously disclose the identity and opinions of experts by: August 14, 2023

The parties shall simultaneously disclose their rebuttal expert opinions by: September 14, 2023

3. Lay (non-expert) witness disclosure: The parties shall disclose all lay witnesses by: May 5, 2023

4. Final supplemental disclosure: Each party shall provide final supplemental disclosure by: October 31, 2023.

This order does not replace the parties' obligation to seasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

1 **No party shall use any lay witness, expert witness, expert opinion, or exhibit**
2 **at trial not disclosed in a timely manner, except upon order of the court for good**
3 **cause shown or upon a written or an on-the-record agreement of the parties.**

4 **5. Discovery deadlines:** The parties will propound all fact discovery undertaken
5 pursuant to Rules 33 through 36 by: July 14, 2023

6 The parties will complete the depositions of parties and lay witnesses by:

7 August 14, 2023

8 The parties will complete the depositions of expert witnesses by: October 31, 2023.

9 The parties will complete all other discovery by: October 31, 2023.

10 (“Complete discovery” includes conclusion of all depositions and submission of
11 full and final responses to written discovery.)

12 **6. Settlement conference or private mediation:**

13 ☐ **Referral to ADR for a settlement conference:** The clerk or the court will
14 issue a referral to ADR by a separate minute entry.

15 ☒ **Private mediation:** The parties shall conduct a mediation, which may be
16 by Zoom or similar remote means by January 15, 2024

17 Nothing herein shall prohibit an earlier mediation.

18 All attorneys and their clients, all self-represented parties, and any non-attorney
19 representatives who have full and complete authority to settle this case shall personally
20 appear and participate in good faith in this mediation, even if no settlement is expected.
21 However, if a non-attorney representative requests a telephonic appearance and the
22 mediator grants the request prior to the mediation date, a non-attorney representative may
23 appear telephonically.

24 ☐ **No settlement conference or mediation:** A settlement conference or
25 private mediation is not ordered.

26 **7. Dispositive motions:** The parties shall file all dispositive motions by:

27 November 17, 2023, response December 18, 2023; reply January 5, 2024.
28

1 Absent leave of Court for good cause shown, each party may file only one Motion
2 for Summary Judgment. The deadline for Daubert Motions, or Motions alleging that an
3 expert is not qualified to render the subject opinions under Ariz. Rule Evid. 702, is the
4 same deadline as the deadline for dispositive motions.

5 **8. Trial setting conference:** On December 1, 2023 at 9:00am, the Court will
6 conduct a telephonic trial setting conference. Attorneys and self-represented parties shall
7 have their calendars available for the conference. The parties shall call 602-506-9695 to
8 access the Conference Bridge. (The long distance toll free number is 1-855-506-9695).
9 The system will prompt you to enter the conference pass code. Enter the code 3728495
10 followed by the # (pound) sign. If disconnected for any reason, repeat instructions above.
11 Note: Participants who call in prior to the Moderator (Judge Thomason's staff) opening
12 the bridge will hear music while waiting.

13 **9. Firm dates:** No stipulation of the parties that alters a filing deadline or a hearing
14 date contained in this scheduling order will be effective without an order of this court
15 approving the stipulation. Dates set forth in this order that govern court filings or hearings
16 are firm dates, and may be modified only with this court's consent and for good cause.
17 This court ordinarily will not consider a lack of preparation as good cause.

18 **10. Further orders:** The court further orders as follows: The parties have agreed
19 to electronic service under Ariz. R. Civ. P. 5(c)(2), and it is ordered accordingly.

20 The parties have agreed that they may subpoena for documents and/or testimony
21 third party entities and third party witnesses relevant to this action and will work
22 cooperatively to minimize the need for subpoena practice with respect to affiliated entities
23 and personnel of those entities. The parties agree to accept to notices of deposition in lieu
24 of subpoenas for entities and personnel of such entities that are under the control of a party
25 and/or its counsel. For the avoidance of doubt, nothing herein shall prohibit a party from
26 serving a subpoena on an affiliated entity (including personnel) of a party if the party
27 cannot accept a notice of deposition.

The parties will each be permitted to take up to 50 hours of deposition testimony, which may include two, seven-hour depositions. For the remaining depositions, if a party believes more than four hours of testimony will be needed for a deponent, the parties will negotiate additional time in good faith.

DATED this ____ day of _____, 2023.

The Honorable Timothy J. Thomason
Maricopa County Superior Court

eSignature Page 1 of 1

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Granted with Modifications



/S/ Timothy Thomason Date: 3/10/2023
Judicial Officer of Superior Court

EX2034.0005

ENDORSEMENT PAGE

CASE NUMBER: CV2022-051638

SIGNATURE DATE: 3/10/2023

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FILED DATE: 3/13/2023 8:00:00 AM

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