UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SITNET LLC, Plaintiff, -against- META PLATFORMS, INC., Defendant.	1:23-cv-6389 (AS) Civil Case Management Plan and Scheduling Order

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. All parties consent____/do not consent_✓_ to concluding all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. [If all parties consent, the remaining Paragraphs should not be completed. Instead, within three (3) days of submitting this Proposed Case Management Plan and Scheduling Order, the parties shall submit to the Court a fully executed Notice, Consent and Reference of a Civil Action to a Magistrate Judge, available at https://nysd.uscourts.gov/sites/default/files/2018-06/AO3.pdf.]

2. The case is_✓_/is not__ to be tried to a jury.

3. Joinder of additional parties must be accomplished by January 10, 2024.

4. Amended Pleadings may be filed without leave of Court until January 10, 2024.

5. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):

    a. Documents. First request for production of documents, if any, must be served by January 31, 2024. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of fact discovery as provided in item (f).

    b. Interrogatories. Interrogatories must be served no later than 30 days prior to the date of the close of fact discovery as provided in item (f). No other interrogatories are permitted except upon prior express permission of the Court. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).

    c. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ.

P. 26(a)(2) by July 31, 2024. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by August 28, 2024. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set for the below.

d. Depositions. All factual depositions must be completed by July 17, 2024. All expert depositions (see item 5(c) above) must be completed by September 25, 2024. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

e. Request to Admit. Request to Admit, if any, must be served later than 30 days prior to the date of the close of fact discovery as provided in item (f).

f. All fact discovery is to be completed by July 17, 2024. All discovery is to be completed by September 25, 2024. Interim deadlines for items 5(a-e) above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph. The discovery completion date may be adjourned only upon a showing to the Court of extraordinary circumstances, and may not be extended on consent.

6. Post-discovery summary judgment motions in the form prescribed by the Court's Individual Practices shall be served by October 16, 2024, answering papers by November 6, 2024, and reply papers by November 20, 2024. Each party must file its respective papers on the same date that such papers are served.

7. A final pre-trial conference shall be held on January 13, 2025. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Practices.

8. Jury selection (if applicable) and trial shall commence on January 20, 2025.

9. All motions and applications shall be governed by Judge Subramanian's Individual Practices. Counsel shall promptly familiarize themselves with all of the Court's Individual Practices, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

October 20, 2023

New York, New York

ARUN SUBRAMANIAN
United States District Judge