

Robert Jordan

From: Robert Jordan
Sent: Wednesday, March 12, 2008 3:06 PM
To: Frank Cisa
Subject: 3/12/08 Fourth Amended Scheduling Order
Attachments: CHARLESTON-623349.DOC

Frank,

Attached please find a fourth amended scheduling order for your review. As you know, we have been diligently trying to complete the discovery items set forth in this order for some time. As you have previously indicated a willingness to provide us with the information and documentation we seek and to cooperate in the scheduling of the referenced depositions, we thought it preferable to first seek your consent to an Order allowing us to complete the referenced discovery outside of the March 14 discovery deadline rather than file a motion to compel. We will likely need to send a cover letter to Judge Houck explaining the necessity of this fourth scheduling order.

If the Order meets with your approval, please sign and return to me as soon as possible. Because discovery ends March 14, we will have to file a motion to compel on Friday (March 14) if we do not hear back from you. Please call me with questions or concerns.

Thank you for your prompt attention to this matter.

Robert H. Jordan
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Exhibit L

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a)
South Carolina corporation; RICHARD C.)
DAVIS, an individual,)
)
Plaintiffs,)

Civil Action No. 2:06-cv-2195-CWH

vs.)

A&E TELEVISION NETWORKS, and)
MAX WEISSMAN PRODUCTIONS,)
INC. d/b/a DEPARTURE FILMS,)
)
Defendants.)

**FOURTH AMENDED SCHEDULING
ORDER**

_____)
A&E TELEVISION NETWORKS,)
)
Counterclaim Plaintiff,)

vs.)

TRADEMARK PROPERTIES, INC. and)
RICHARD C. DAVIS,)
)
Counterclaim Defendants.)

Pursuant to the Federal Rules of Civil Procedure (FRCP) and Local Civil Rule 16.02
(LCR), the Court establishes the following time limits in this case.

1. As of the entry of this Order, discovery is hereby closed except as provided below.

2. Within five (5) business days of the entry of this Order, Plaintiffs shall propose dates for the deposition of Plaintiffs' expert on damages, Mark Halloran. Such deposition shall take place on or before April 14, 2008 on a date to be agreed upon mutually by Plaintiffs and Defendants. Plaintiffs shall produce all documents previously requested from Mr. Halloran no fewer than ten (10) business days before the deposition.
3. Within five (5) business days of the entry of this Order, Plaintiffs shall advise Defendants in writing as to whether Plaintiffs are withdrawing their assertions of privilege with respect to third-party witness Thomas Whaley. If Plaintiffs do withdraw their assertions of privilege, then the parties will make best efforts to conduct the remainder of Mr. Whaley's deposition on a mutually agreeable date prior to April 14, 2008. If Plaintiffs do not withdraw their assertions of privilege, then Defendants may file a motion to compel within five (5) business days of receiving notice to that effect from Plaintiffs.
4. The parties shall make best efforts to identify a deposition date on or before April 14, 2008 for Defendants to take the deposition of third-party witness William Campbell in Washington, D.C.
5. If the schedules of the third-party witnesses, Messrs. Whaley and Campbell, do not permit their depositions to be completed before April 14, 2008, then the parties may complete those depositions, and bring any related motions, at any time through and including May 16, 2008.
6. Any motions to compel or for a protective order (except with respect to Mr. Whaley or Mr. Campbell) shall be filed no later than April 14, 2008.
7. Plaintiffs shall produce all documents and other materials requested from them in Defendants' letter dated January 31, 2008 on or before April 14, 2008.
8. Plaintiffs shall provide responses to the Second Set of Interrogatories of Defendants/Counterclaim Plaintiff on or before April 14, 2008.
9. Compliance with LCR 16.03 shall be had no later than April 14, 2008.
10. Dispositive motions, except those made pursuant to Rule 12 of the FRCP, shall be filed no later than May 19, 2008.
11. Compliance with FRCP 26(a)(3) and LCR 26.05 and 26.07 shall be had within the time specified therein.

12. This case should be ready for trial not later than June 30, 2008.

AND IT IS SO ORDERED.

C. WESTON HOUCK
SENIOR UNITED STATES DISTRICT JUDGE

Dated: _____, 2008
At Charleston, South Carolina

WE CONSENT

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____

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WE CONSENT

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By: _____

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Trademark Properties, Inc. and Richard C. Davis*