UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Federal Trade Commission, Plaintiff, v. Midway Industries Limited Liability Company, *et al.* Defendants.	**Case No. JFM 14-CV-2312**

NOTICE OF SCHEDULING ORDER PROPOSALS

Pursuant to the Court's Letter of February 11, 2015, Plaintiff Federal Trade Commission respectfully submits the parties' competing proposals for the contents of a scheduling order.

Counsel for all parties, and for the Receiver, have conferred in good faith. The two sides (Plaintiff and Defendants) have very widely differing perspectives. Accordingly, we submit the competing proposals in the form of a table.

Event	**Plaintiff's Date**	**Defendants' Date**
Written discovery commences	March 16, 2015	March 16, 2015
Initial disclosures due	March 25, 2015	March 30, 2015
Parties may begin taking depositions	April 20, 2015	June 20, 2015
Deadline to amend pleadings	April 30, 2015	June 30, 2015
Fact discovery closes (see L.R. 104.2)	June 19, 2015	November 30, 2015
First expert reports; expert discovery begins*	July 2, 2015*	December 15, 2015*
Expert discovery closes*	August 21, 2015*	March 30, 2016*
Deadline to file dispositive motions	September 4, 2015	April 30, 2016
Deadline to respond to dispositive motions	October 5, 2015	May 30, 2016
Deadline for replies to dispositive motions	October 23, 2015	June 15, 2016
Pretrial deadlines	To be scheduled	
Trial	To be scheduled	

As to expert discovery, the parties have not agreed on structure and sequencing. Plaintiff proposes simultaneous exchanges of primary expert reports and rebuttal expert reports, and separate deposition periods for primary and rebuttal experts. Defendants propose that the sequence of expert reports be Plaintiff, then Defendants, then Plaintiff's rebuttal, with a common deposition period for all experts. We present the competing proposals in the form of two tables.

Plaintiff's Proposed Expert Discovery Event	**Proposed Date**
Parties designate expert witnesses and serve expert witness reports	July 2, 2015
Deadline to complete depositions of designated expert witnesses	July 17, 2015
Parties designate rebuttal expert witnesses and serve rebuttal expert witness reports	July 31, 2015
Deadline to complete depositions of designated rebuttal expert witnesses	August 21, 2015

Defendants' Proposed Expert Discovery Event	**Proposed Date**
Plaintiff designates expert witnesses and serves expert witness reports	December 15, 2015
Defendants designate expert witnesses and serve expert witness reports	January 15, 2016
Plaintiff designates rebuttal expert witnesses and serves rebuttal expert witness reports	January 30, 2016
Deadline to complete depositions of all expert witnesses	March 30, 2016

The parties agree that Local Rule 104.1 will govern limitations on service of document requests and requests for admission, other than requests propounded to establish the authenticity of documents or the fact that documents constitute business records. Similarly, the parties agree that, except by leave of Court or agreement of the parties, the limits set forth in L.R. 104.1 shall apply to interrogatories, other than those propounded to establish the authenticity of documents or the fact that documents constitute business records.

The parties do not intend the proposal of a date to begin depositions as a fixed date on which the first deposition must occur. Rather, this is a proposal that the parties will agree not to attempt to set any depositions to occur before that date. The parties otherwise intend that

deposition scheduling be subject to the ordinary process favoring agreement among counsel as to date and other particulars.

The Receiver consents to the submission of these proposals. The Receiver initiated and has participated in the parties' discussions regarding implementation of a scheduling order. The Receiver favors resolution of the underlying litigation on the most expeditious timeline that is fair to all parties.

Undersigned counsel for the FTC has circulated this document to counsel for all parties and for the Receiver, all of whom have agreed to this submission as a representation of the parties' competing proposals. As set forth in the Court's Letter of February 11, 2015, counsel for the FTC will make the necessary arrangements for the conference call set for March 11, 2015.

Respectfully submitted,

Dated: March 5, 2015

/s/Harris A. Senturia

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2015, a copy of the foregoing Notice of Scheduling Order Proposals was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt who may access this filing through the Court's system.

/*s*/*Harris A. Senturia*
Attorney for Plaintiff