

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 17-cv-20848-GAYLES

**FEDERAL TRADE COMMISSION,
Plaintiff,**

v.

**WORLD PATENT MARKETING, INC., et
al.,
Defendants.**

**SCHEDULING ORDER SETTING CIVIL TRIAL DATE AND
PRETRIAL SCHEDULE, REQUIRING MEDIATION, AND
REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE**

THIS CAUSE is set for trial during the Court's two-week trial calendar beginning on **Monday, October 29, 2018**. The **Calendar Call** will be held at **9:30 a.m. on Wednesday, October 24, 2018**. A **Status Conference** will be held at **9:30 a.m. on Wednesday, April 11, 2018**. The parties shall adhere to the following schedule:

1. Joinder of any additional parties and filing of motions to amend the complaint by **12/1/2017**
2. Written lists containing the names and addresses of all fact witnesses intended to be called at trial due by **9/11/2017**
3. Exchange of expert witness disclosures and summaries due by **1/19/2018**
4. Exchange of expert witness reports due by **2/2/2018**
5. Exchange of rebuttal expert witness disclosures, summaries, and reports as required by Fed. R. Civ. P. 26(a)(2) due by **3/9/2018**
6. Parties shall select a mediator pursuant to Local Rule 16.2 and shall schedule a time, date, and place for mediation by **9/15/2017**
7. Fact discovery shall be completed by **4/2/2018**
8. Expert discovery shall be completed by **4/2/2018**

9. Dispositive motions, including those regarding summary judgment and *Daubert*, must be filed by **5/2/2018**
10. Oppositions to dispositive motions and *Daubert* motions must be filed by **6/1/2018**
11. Replies in support of dispositive and *Daubert* motions must be filed by **6/15/2018**
12. Mediation shall be completed by **3/23/2018**
13. All pretrial motions and memoranda of law, including motions in limine, must be filed by **7/23/2018**
14. Pretrial disclosures as required by Local Rule 16.1(d) due by **8/24/2018**
15. Joint pretrial stipulation, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law must be filed by **9/21/2018**
16. Electronic versions of documentary exhibits and Certificates of Compliance re Admitted Evidence shall be filed on CM/ECF by **10/22/2018**

Motions. Every motion filed in this case shall be accompanied by **one proposed original order granting** the motion. Each party shall be limited to filing one (1) motion in limine. Unless otherwise specified by the Court, every motion shall be double spaced in 12-point Times New Roman typeface. **Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position.**

Referral to Magistrate Judge. Pursuant to 28 U.S.C. § 636, all discovery matters are referred to **Magistrate Judge Alicia M. Otazo-Reyes to take all appropriate action.** Furthermore, pursuant to 28 U.S.C. § 636(c)(1), **the parties may consent to trial and final disposition by Magistrate Judge Otazo-Reyes.**

Mediation. The parties shall select a mediator pursuant to Local Rule 16.2 and shall schedule a time, date, and place for mediation. If the parties cannot agree on a mediator, they shall notify the Clerk in writing as soon as possible, and the Clerk shall designate a certified mediator on a blind rotation basis. Counsel for all parties shall familiarize themselves with and

adhere to all provisions of Local Rule 16.2. Within **seven (7) days** of mediation, the parties are required to file a mediation report with the Court.

Discovery. The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions. The parties shall not file with the Court notices or motions memorializing any such stipulation unless the stipulation interferes with the deadlines set forth above. Stipulations that would so interfere may be made only with the Court's approval. *See* Fed. R. Civ. P. 29. In addition to the documents enumerated in Local Rule 26.1(b), the parties shall not file notices of deposition with the Court. Strict compliance with the Local Rules is expected, particularly with regard to motion practice. *See* S.D. Fla. L.R. 7.1.


Discovery Disputes. The parties shall follow the attached discovery procedures for Magistrate Judge Otazo-Reyes. **No written discovery motions, including motions to compel, for protective order, or related motions for sanctions shall be filed unless the Magistrate Judge requests it after a discovery hearing.**

Electronic Submission of Exhibits. Pursuant to United States District Court for the Southern District of Florida Administrative Order 2016-70 regarding electronic submission of exhibits, counsel must file in the CM/ECF system electronic versions of documentary exhibits to be submitted at trial no later than 48 hours prior to Calendar Call.¹ At the time of filing the electronic exhibits, an attorney for each party shall also complete and file the attached **Certification of Compliance re Admitted Evidence.** Electronically filed exhibits are subject to CM/ECF Administrative Procedures, Section 6, Redaction of Personal Information, Privacy Policy, and Inappropriate Materials. Failure to file the electronic exhibits and Certification of Compliance by the date enumerated above may result in the imposition of sanctions. Any

¹ This requirement excludes contraband and audio/video recordings. The filing party will file with the Clerk a CD, DVD, or other electronic medium containing a copy of any exhibit that is an audio or video recording.

original exhibits that have been returned to or retained by the filing party after electronic filing shall be kept for safe keeping until the conclusion of any appeals; upon order of the Court, the filing party must return the original exhibits to the Clerk of Court.

DONE AND ORDERED in Chambers at Miami, Florida, this 1st day of September, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-cv-20848-GAYLES

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_____/

CERTIFICATE OF COMPLIANCE RE ADMITTED EVIDENCE

I, _____, as counsel for

_____, hereby certify the following:

Check the applicable sections:

ALL EXHIBITS E-FILED. All documentary exhibits and photographs of nondocumentary physical exhibits to be admitted into evidence have been electronically filed in CM/ECF.

EXHIBITS NOT E-FILED. Some documentary exhibits and/or physical exhibits to be admitted into evidence cannot be electronically filed in CM/ECF. This includes and contraband. The following identifies those exhibit numbers that have been retained by the Clerk, and separately identifies those proposed exhibit numbers retained by this filing party. (**Attach a list.**)

AUDIO/VIDEO EXHIBITS. The following audio and/or video exhibits are to be entered into evidence during these proceedings. The filing party has conventionally filed with the Clerk of Court a CD or DVD containing the audio or video exhibit. (**Attach a list.**)

Any original exhibits that have been returned to or retained by the filing party after electronic filing shall be kept for safe keeping until the conclusion of any appeals. Upon order of the Court, the filing party agrees to return the original exhibits to the Clerk of Court.

This Certificate shall be filed by the date provided in the Court's Scheduling Order. Failure to timely comply with the Electronic Submission of Exhibits requirements provided in the Scheduling Order or with the requirements of Administrative Order 2016-70 governing the Electronic Submission of Exhibits may result in the imposition of sanctions.

Signature: _____ Date: _____

**DISCOVERY PROCEDURES FOR
MAGISTRATE JUDGE ALICIA M. OTAZO-REYES**

The following discovery procedures apply to all civil cases assigned to United States District Judge Darrin P. Gayles.

If parties are unable to resolve their discovery disputes without Court intervention, Magistrate Judge Alicia M. Otazo-Reyes will set the matter for hearing without the need for filing a motion.

The moving party must seek relief within fifteen (15) days after the occurrence of the grounds for relief by contacting Magistrate Judge Otazo-Reyes' Chambers and requesting a hearing. Magistrate Judge Otazo-Reyes' telephone number is (305) 523-5740 and her Chambers are located at 301 N. Miami Avenue, 10th Floor, Miami, Florida.

Once a hearing date is obtained, the movant shall provide notice to all relevant parties by filing a Notice of Hearing. The Notice of Hearing shall briefly specify the substance of the discovery matter to be heard and include a certification that the parties have complied with the pre-filing conference required by Southern District of Florida Local Rule 7.1(a)(3).

No written discovery motions, including motions to compel and motions for protective order, shall be filed unless requested by Magistrate Judge Otazo-Reyes. It is the intent of this procedure to minimize the necessity of motions.

The Court expects all parties to act courteously and professionally in the resolution of their discovery disputes and to confer in an attempt to resolve the discovery issue prior to requesting the hearing. The Court may impose sanctions, monetary or otherwise, if the Court determines discovery is being improperly sought or is not being provided in good faith.