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

**CASE NO: 11-CV-60571**

PATRICK COLLINS, INC.,

Plaintiff,

v.

JOHN DOES 1-25,

Defendants.

**JOINT SCHEDULING REPORT**

The parties, by and through undersigned counsel, pursuant to Fed. R. Civ. P 26(f), Local Rule 16.1, and this Court’s Order Setting Initial Planning and Scheduling Conference, hereby file the following Joint Proposed Scheduling Report.

**1. A PLAIN STATEMENT OF THE NATURE OF THE CLAIM AND ANY COUNTERCLAIMS, CROSS-CLAIMS, OR THIRD-PARTY CLAIM, INCLUDING THE AMOUNT OF DAMAGES CLAIMED AND ANY OTHER RELIEF SOUGHT**

**a. Nature of Claims**

This matter arises under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). Through this suit, Plaintiff alleges each Defendant is liable for: Direct copyright infringement in violation of 17 U.S.C. §§ 106 and 501; and Contributory copyright infringement.

**b. Counterclaims, Cross-Claims and Third-Party Claims**

There are no counterclaims, cross-claims, or third-party claims.

**c. Amount of Damages**

Plaintiff seeks either its actual damages and any additional profits of the Defendant pursuant to 17 U.S.C. § 504-(a)-(b); or statutory damages in the amount of \$150,000 per Defendant pursuant to 17 U.S.C. § 504-(a) and (c);

**d. Other relief**

Plaintiff also seeks permanent injunctive relief and the recovery of its attorneys' fees, costs and interest.

**2. BRIEF SUMMARY OF FACTS WHICH ARE UNCONTESTED OR CAN BE STIPULATED TO WITHOUT DISCOVERY**

Defendant has not yet answered and therefore it is premature to ascertain which facts are uncontested or which facts can be stipulated to without discovery.

**3. BRIEF SUMMARY OF ISSUES AS PRESENTLY KNOWN**

The issues in this case resolve around whether Defendant distributed the copyrighted as alleged in the Complaint.

**4. WHETHER DISCOVERY SHOULD BE CONDUCTED IN PHASES OR LIMITED TO PARTICULAR ISSUES**

The parties do not suggest that discovery should be conducted in phases or limited to particular issues.

**5. DETAILED SCHEDULE OF DISCOVERY FOR EACH PARTY**

Plaintiff intends to propound: (1) interrogatories, (2) requests for production of documents, and (3) requests for admissions. Plaintiff will then likely take the depositions of parties. To the extent necessary, the parties will then conduct expert discovery on damages.

**6. PROPOSED DEADLINES FOR JOINDER OF OTHER PARTIES AND TO AMEND THE PLEADINGS, TO HEAR MOTIONS AND TO COMPLETE DISCOVERY**

**a. Deadline for Amending Pleadings and Joining Parties**

The parties propose to set March 5, 2012 as the deadline for amending pleadings and joining parties.

**b. Deadline for Filing Motions**

The parties propose a deadline of August 24, 2012 to file motions, including dispositive motions, but excluding motions *in limine* which the parties propose should be permitted at any time including during trial.

**c. Deadline for Completing Discovery**

The Parties propose that all discovery, excluding expert discovery, be completed by June 15, 2012 and that expert discovery be completed by July 16, 2012.

**7. APPROXIMATE DATES FOR FINAL PRE-TRIAL CONFERENCE AND TRIAL**

The parties propose that the trial be held in October 2012, and that the pretrial conference be held at least five days prior to the trial.

**8. PROJECTED TIME NECESSARY FOR TRIAL AND A STATEMENT OF WHETHER THE CASE IS JURY OR NON-JURY TRIAL**

The parties request that three days be reserved for trial. The trial will be a jury trial.

**9. A LIST OF ALL PENDING MOTIONS**

There are no motions currently pending.

**10. UNIQUE LEGAL OR FACTUAL ASPECTS OF THE CASE  
REQUIRING SPECIAL CONSIDERATION BY THE COURT**

The parties are not aware of any unique legal or factual aspects of the case requiring special consideration by the court.

**11. ANY POTENTIAL NEED FOR REFERENCES TO A SPECIAL  
MASTER OR MAGISTRATE**

The parties are not aware of any potential need for references to a special master or magistrate.

**12. THE STATUS AND LIKELIHOOD OF SETTLEMENT**

The parties have engaged in settlement discussions but are presently unable to predict the likelihood of reaching a settlement.

**13. SUCH OTHER MATTERS AS ARE REQUIRED BY LOCAL RULE  
16.1(B) AND AS MAY AID THE COURT IN SETTING THE CASE  
FOR STATUS OR PRETRIAL CONFERENCE AND IN THE FAIR  
AND EXPEDITIOUS ADMINISTRATION AND DISPOSITION OF  
THIS ACTION**

**a. Case Management Track**

The parties propose that this litigation be placed on a Standard Track.

**b. Expert Witness Deadline**

The parties propose that expert witness disclosures be completed by May 15 2012.

**c. Changes Or Limitations On Discovery**

Currently, the parties do not propose that any changes be made to the Federal Rules of Civil Procedure relating to discovery or the Local Rules relating to discovery.

**d. Proposals For The Formulation And Simplification Of Issues And The Elimination Of Frivolous Claims Or Defenses.**

The parties do not have any proposals for the formulation or simplification of issues and are unable to make a determination at this time as to whether any of the claims or defenses are frivolous.

**e. The Possibility Of Obtaining Admissions Of Fact And Of Documents And Stipulations Regarding Authenticity**

The parties are uncertain if they will be able to obtain admissions of fact and of documents or if they will be able to enter into stipulations regarding the authenticity of documents but agree to act in good faith and work together consistent with their duties as attorneys and litigants.

**f. Suggestions For The Avoidance Of Unnecessary Proof**

The parties do not currently have any suggestions for the avoidance of unnecessary or cumulative evidence but agree to act in good faith and to work together consistent with their duties as attorneys and litigants.

**14. RULE 26(a)(1) DISCLOSURES**

Plaintiff has submitted its 26(a) disclosures to Defendant.

Respectfully submitted,

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Respectfully submitted,

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