

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MOTOWN RECORD COMPANY, L.P.,	:		
et al.,	:		
<b>Plaintiffs,</b>	:		
v.	:	CIVIL NO. 07-CV-4702	
	:		
JOHN C. KOVALCIK,	:		
<b>Defendant.</b>	:		
<hr/>		:	

**ORDER**

**AND NOW**, on this 5th day of March, 2009, upon consideration of Plaintiffs' Motion to Extend the Dispositive Motion Deadline [Doc. No. 36] and a review of the docket entries, it is hereby

- 1.) **ORDERED** that the Motion is **GRANTED**.
- 2.) It is further **ORDERED** that the docket entry dated July 15, 2008 be **STRICKEN** as entered without authority.
- 3.) The Court hereby **RESETS** the Discovery deadlines in this matter, as follows:
  - a.) All fact discovery, including depositions of fact witnesses, shall be completed on or before May 29, 2009.
  - b.) Plaintiffs shall submit their expert reports to Defendant on or before June 15, 2009. Defendant shall submit its expert reports to Plaintiffs on or before June 30, 2009. Rebuttal reports, if any, shall be served on or before July 15, 2009.
  - c.) All motions for summary judgment and partial summary judgment shall be filed on or before August 3, 2009. The parties shall conform their motions and any

responses, replies, or sur-replies to the form and schedule outlined in Attachment A.

- 4.) It is further **ORDERED** that Defendant's Motion for Judgment on the Pleadings [Doc. No. 35] is **DISMISSED WITHOUT PREJUDICE**, subject to being refiled after the close of discovery.

It is so **ORDERED**.

**BY THE COURT:**

  
**CYNTHIA M. RUFÉ, J.**

## Attachment A

### Judge Rufe's Required Procedure on Summary Judgment for Those Moving under Rule 56(b)

Rule 56(b) of the Federal Rules of Civil Procedure provides that:

A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof.

1. **Initial Filing of Moving Party:** A party referred to in Rule 56(b) and moving under Rule 56(b) may move without reference to supporting affidavits or other evidence and, in doing so, the party making the motion shall:
  - (1) identify in outline form the issue(s) and/or sub-issue(s) as to which the Motion is directed, for example, referring to the pleadings;
  - (2) affirm, on the basis prescribed in Rule 11, that there is no legally sufficient evidentiary basis to support the issues so identified; and
  - (3) request judgment as provided in Rule 56(c).
- Note: The initial filing by the moving party generally should not exceed three (3) double-spaced, type-written pages.*
2. **Response of Non-Moving Party:** The party against whom the Motion for Summary Judgment is addressed shall file a Response not later than 14 days after the Motion for Summary Judgment is received. The Response, subject to provision of Rule 56(e) and (f), shall be supported with affidavits, depositions, documents or other evidence permitted by those provisions. Where applicable, references to such evidence must include **specific** citations to exhibit, page, and line number.
3. **Reply of Moving Party:** The movant shall file a Reply as permitted by Rule 56(e) and (f). Such a Reply must be filed not later than 10 days after the Response described in paragraph (b) is received. The Reply must **specify** the relevant exhibit, page, and line numbers when referring to the record.
4. **Sur-Reply of Non-Moving Party (Optional):** The party against whom the Motion for Summary Judgment is directed may, within 10 days after the Reply is received, file a Sur-reply to the reply described in paragraph (d) above. The Sur-reply must **specify** the relevant exhibit, page, and line numbers when referring to the record.

*The purpose of these Instructions is to encourage the parties in their dispositive motion to track the natural order of trial where the plaintiff sets forth its cause and the defendant then responds.*