

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAPITOL RECORDS, INC., et al.,)
 Plaintiffs,)
)
 v.)
)
NOOR ALAUJAN,)
 Defendant. _____)

**Case No. 03cv11661-NG
LEAD DOCKET NO.**

 SONY BMG MUSIC ENTERTAINMENT, et al.,)
 Plaintiffs,)
)
 v.)
)
 JOEL TENENBAUM,)
 Defendant. _____)

Case No. 07cv11446-NG
ORIGINAL DOCKET NO.

GERTNER, D.J.:

REVISED SCHEDULING ORDER

May 28, 2009

I. HEARING AND TRIAL SCHEDULE

Despite the postponements resulting from the webcast appeal, the Court intends to move quickly to trial in this case. While the Court's February 23, 2009 Order contemplated a trial by the end of June, that date is no longer practicable. Accordingly, the Court hereby adopts this revised schedule, which shall apply under the following circumstances: (1) If the Plaintiffs' Motion to Dismiss Counterclaims is granted, eliminating the need for additional discovery; and (2) if the Court denies the Defendant's constitutional challenge or defers it until after trial.

May 30, 2009

Close of Fact Discovery

June 5, 2009

Omnibus Motion Hearing (2:30 p.m.)

The Court will hear argument on the Plaintiffs' Motion to Dismiss Counterclaims (document # 670); Defendant's Motion to Amend Counterclaims (document # 686); Defendant's Motion to Add the RIAA (document # 693); Defendant's Motion to Dismiss (document # 779); and, Defendant's Motion to Amend Answer and Counterclaims (document # 806).

July 13, 2009 **Pre-Trial Conference** (2:30 p.m.)

July 20, 2009 **Jury Trial Begins** (9:00 a.m.)

II. DISPOSITIVE MOTIONS

Given the limited nature of this case, it may be appropriate for the parties to seek resolution of any legal issues at the time of trial, rather than before, pursuant to a Motion for Judgment as a Matter of Law under Fed. R. Civ. P. 50(a). Nonetheless, if either party elects to file a Motion for Summary Judgment, briefing shall proceed as follows:

June 23, 2009 **Motions for Summary Judgment Due**

July 7, 2009 **Oppositions to Summary Judgment Due**

III. CONCLUSION

Any objections to this Schedule should be filed in writing immediately, preferably in a joint submission by the parties.

SO ORDERED.

Date: May 28, 2009

/s/ Nancy Gertner
NANCY GERTNER, U.S.D.C.