

legislation (prior to the expiration of that Act) superseding all or part of that legislation, within 30 days of the effective date of the permanent legislation (assuming Congress takes no other action). The parties further suggest filing cross-oppositions within 20 days of the filing of the dispositive motions, and cross-replies, if any, within 20 days after that.

7) The parties stipulate to dispense with the initial disclosures required by Rule 26(a)(1), F.R.Civ.P.

8) Discovery is not anticipated.

9) The parties do not anticipate the use of expert witnesses and thus there is not need for the exchange of expert witness reports and information pursuant to Rule 26(a)(2), F.R.Civ.P., nor is there a need for depositions of experts.

10) This is not a class action.

11) The parties agree that trial and/or discovery should not be bifurcated or managed in phases.

12) A pretrial conference should be held 60 days after a ruling on the dispositive motions, if any.

13) The Court should not set a firm trial date at the first scheduling conference, but should provide that a trial date will be set at the pretrial conference from 30–60 days after that conference.

14) There are no other matters that the parties believe may be appropriate for inclusion in a scheduling order.

DATE: October 2, 2008

Respectfully submitted,

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