

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER
PRODUCTS, LP, et al.,

Plaintiffs,

Case No. 1:11cv483

v.

Hon. Robert J. Jonker

NCR CORPORATION, et al.,

Defendants.

**AMENDED* ORDER REVISING CASE SCHEDULE
AND ADDRESSING MOTIONS**

This matter came before the Court on August 11, 2014, for a status conference. Several matters were addressed with the parties. For the reasons more fully stated in open court, **IT IS ORDERED:**

1. The final pretrial conference, currently set for July 13, 2015 at 3:00 p.m. is reset for **September 3, 2015 at 3:00 p.m.** The trial set for July 29, 2015 at 8:30 a.m. will commence at 8:30 a.m. on **September 22, 2015.** Counsel shall prepare for the hearings as outlined in the case management order.

2. The Court has scheduled two settlement conferences with Magistrate Judge Hugh W. Brenneman, Jr. The first is set for **April 15, 2015 at 2:00 p.m.** and the second for **August 13, 2015 at 2:00 p.m.** The conferences will take place in Room 584, Ford Federal Building, 110 Michigan, N.W., Grand Rapids, Michigan. Trial counsel shall be accompanied by the client (if an individual) or an officer of the client with full authority to negotiate a settlement (if a corporation or other entity). Defendants who are officers or agencies of state government or a federal agency must be represented by an individual, in addition to the Assistant Attorney General or Assistant United States Attorney, with authority to negotiate a settlement. If the defense is controlled by an insurance company, a representative of the insurer shall also be present. All persons shall be physically present in the courthouse. Failure of counsel to be accompanied by an appropriate client representative with actual authority to negotiate a settlement on the terms sought by the opposing party(ies) may result in the imposition of sanctions or a citation for contempt of court.

Three (3) business days before the conference, each attorney shall submit to Judge Brenneman a confidential letter concerning settlement. A copy need not be provided to any other party. All information in the settlement letter shall remain confidential and will not be disclosed to any other party without the approval of the writer. The confidential settlement letter shall set forth: (a) the name and title of the party representative who will be present at the settlement conference, with counsel's certification that the representative will have full authority to settle, without the need to consult with any other person; (b) a very brief explanation of the nature of the case, particularly identifying any impediments to settlement; (c) a history of settlement negotiations to date, including all offers, demands and responses; (d) the policy limits of any relevant insurance coverage; (e) that party's suggestions concerning the most productive approach to settlement; (f) any other matter that counsel believes will improve the chances of settlement.

All settlement letters shall be delivered or mailed directly to Judge Brenneman, at the address above. They shall not be directed to the office of the Clerk of the Court.

3. Phase II of the trial will not involve any claim for Natural Resources damages. The motion for order Establishing the Scope of Phase II Trial (docket #450) and the motion in limine by International Paper Company (docket # 503) are otherwise **DENIED** without prejudice.

4. The motion for leave to file Reply in Support of its Motion for Order Establishing the Scope of the Phase II Trial (docket #515) is **GRANTED**.

5. The notice of appeal to the district judge by cross-defendant International Paper Company, cross-claimant International Paper Company, counter-claimant International Paper Company, defendant International Paper Company regarding Magistrate Judge order number 496 is **DISMISSED AS MOOT**.

6. The request by NCR as stated in the Joint Status Report (docket #530), for adjusting the existing schedule is **GRANTED**. Deadlines for the following dates are adjusted:

Close of fact discovery:	November 14, 2014
Opening Expert Reports:	November 17, 2014
Rebuttal Expert Reports:	January 16, 2015
Close of Expert Discovery:	February 27, 2015
Dispositive Motions:	March 15, 2015*

7. The trial record developed during Phase I of trial will be considered a part of the Phase II trial record. The parties will maintain a continuous exhibit marking system consistent with the Phase I trial system.

IT IS SO ORDERED.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: August 13, 2014