

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EPIC GAMES, INC.,
Plaintiff,

v.

APPLE INC.,
Defendant.

Case No. 4:20-cv-05640-YGR

CASE SCHEDULING AND PRETRIAL ORDER

Re: Dkt. No. 105

TO ALL PARTIES AND COUNSEL OF RECORD:

The Court hereby sets a bench trial date in this action including related pretrial deadlines. These dates have been set considering myriad factors, including: the parties’ submissions; the efficiencies achieved by discovery having been conducted in the related matters, *In re Apple iPhone Antitrust*, 4:11-cv-06714-YGR (N.D. Cal.), and *Donald R. Cameron, et. al. v. Apple Inc.*, 4:19-cv-03074-YGR (N.D. Cal.) (collectively, the “Related Matters”); the parties’ decision to request a bench trial; and the Court’s anticipated jury trial schedule in the summer of 2021 given the backlog created by the ongoing coronavirus (COVID-19) pandemic.

Accordingly, for the foregoing reasons, the Court **HEREBY SETS** the following trial and pretrial dates:

SCHEDULE

NON-EXPERT DISCOVERY CUTOFF: February 15, 2021

DISCLOSURE OF EXPERT REPORTS:
ALL EXPERTS, RETAINED AND NON-RETAINED Opening: February 15, 2021
MUST PROVIDE WRITTEN REPORTS COMPLIANT Rebuttal: March 15, 2021
WITH FRCP 26(A)(2)(B):

1	EXPERT DISCOVERY CUTOFF:	March 31, 2021 ¹
2	DISPOSITIVE MOTIONS ² / DAUBERT MOTIONS To BE HEARD BY:	None to be filed without conference
3		
4	COMPLIANCE HEARING (<i>SEE BELOW</i>)	April 2, 2021 at 9:00 a.m.
5	JOINT PRETRIAL CONFERENCE STATEMENT:	April 9, 2021
6	PRETRIAL CONFERENCE:	Wednesday, April 21, 2021 at 9:00 a.m.
7	TRIAL DATE AND LENGTH:	Monday, May 3, 2021 at 8:30 a.m. (Bench Trial)
8		

9 Pursuant to the Court's Pretrial Instructions in Civil Cases at Section 2, trial counsel shall
10 meet and confer in advance of the Pretrial Conference. The Compliance Hearing is intended to
11 confirm that counsel have reviewed the Court's Pretrial Setting Instructions and are in compliance
12 therewith. Five (5) business days prior to the date of the compliance hearing, the parties shall file
13 a one-page JOINT STATEMENT confirming they have complied with this requirement or
14 explaining their failure to comply. If compliance is complete, the parties need not appear and the
15 compliance hearing will be taken off calendar. Failure to do so may result in sanctions.

16 The parties must comply with both the Court's Standing Order in Civil Cases and Standing
17 Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All
18 Standing Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

19 The Court will determine closer to the trial date whether the bench trial will be conducted
20 in person or virtually or some combination thereof. Production of exhibits to the Court will be
21 impacted depending on the resolution of this issue.

22 In preparation for the case management conference scheduled for October 19, 2020, the
23 parties should meet and confer and formulate recommendations to streamline trial issues and
24 briefing, including whether briefing on certain legal issues should be staged in advance of the trial.

25 _____
26 ¹ To the extent that the parties need to supplement exhibits already filed with the Court in
compliance with the Court's standing orders, the parties should work cooperatively to do so.

27 ² See Standing Order regarding Pre-filing Conference Requirements for motions for
28 summary judgment.

1 In addition, the Court is interested in the potential overlap with the Related Matters. Accordingly,
2 the parties are instructed to meet and confer with counsel in the Related Matters as well. A case
3 management conference is scheduled in each of those actions at the same time.

4 By October 15, 2020, the parties shall jointly file one proposed agenda to inform the
5 combined case management conference, even if it includes matters unique to a particular action.

6 **IT IS SO ORDERED.**

7 Dated: October 6, 2020



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

United States District Court
Northern District of California

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