UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INTERMARK FABRIC CORPORATION, Plaintiff, v. MICROFIBRES, INC., Defendant.	Civil Action No. 3:02-CV-1267 (AVC)

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties jointly move this Honorable Court to amend the Scheduling Order. As grounds therefore, the parties state as follows:

1. Following the granting of Plaintiff's motion to amend the complaint to include causes of action relating to, *inter alia*, alleged antitrust violations, the Court entered a scheduling order covering said additional causes of action.

2. Plaintiff thereafter propounded upon Microfibres a Third Set of Interrogatories ("Interrogatories") and Fifth Set of Request for Production of Documents ("Requests").

3. Defendant filed its responses to the Interrogatories and Request for Production and Plaintiff believes that the responses are deficient.

4. Counsel for the parties have attempted in good faith to resolve their discovery dispute but have been unable to do so.

5. On November 5, 2004, Plaintiff filed with this Court a Motion to Compel Production of Documents and Responses to Interrogatories. The motion is currently pending.

6. If the motion is granted, Plaintiff anticipates that it will use Microfibres' responses to the Interrogatories as well as documents produced in response to the Requests in connection with its expert reports, which are currently due on November 30, 2004. Accordingly, Intermark requests amending the scheduling order so that expert reports would not be due until after the Court has resolved the pending Motion to Compel. The remaining deadlines also would be adjusted accordingly.

7. Under the current scheduling order expert reports are due on or before November 30, 2004, rebuttal reports are due on or before December 30, 2004, all discovery is set to close on January 30, 2005 and dispositive motions are to be filed on or before February 28, 2004.

8. This is the second motion to amend the scheduling order, the first such motion also being filed jointly by the parties.

WHEREFORE, based on the above, the parties jointly request that the scheduling order be modified as follows:

A. The parties shall designate all trial experts concerning the additional claims set forth in Intermark's Second Amended Complaint and provide opposing counsel with reports from such retained experts thirty (30) days following the Court's disposition on the aforementioned pending Motion to Compel.

B. The parties shall designate and exchange rebuttal expert reports, if any, thirty (30) days following the designation of experts and submission of expert reports set forth in paragraph A above;

C All discovery, including depositions of all witness, shall be completed thirty days following the submission of rebuttal reports as set forth in paragraph B above;

D. Any dispositive motions concerning the additional claims set forth in Intermark's

Second Amended Complaint or other motions, except motions in limine incident to trial, shall be filed within thirty (30) days following the close of discovery as set forth paragraph C above.

For Intermark Fabric Corporation

Charles F. O'Brien, Esq. (ct 22074)
William J. Cass, Esq. (ct 12806)
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Facsimile: (860) 286-0115

For Microfibres, Inc.

Brent R Canning / signed w/ permission CCB

William R. Grimm, Esq. (*pro hac vice*)
Brent R. Canning, Esq. (ct 23991)
HINCKLEY, ALLEN & SNYDER LLP
1500 Fleet Center
Providence, RI 02903
Telephone: (401) 274-2000
Facsimile: (401) 277-9600