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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CASIO INC., **Plaintiff** **v.** **PAPST LICENSING GMBH & CO. KG** **Defendant.**	**Case No. 1:06-CV-01751** **Judge: Gladys Kessler** **Magistrate Judge: Deborah A. Robinson**
PAPST LICENSING GMBH & CO. KG, **Counter-Plaintiff** **v.** **CASIO INC. and CASIO COMPUTER CO., LTD.** **Counter-Defendants**	**Next hearing date: July 23, 2007** **before Judge Robinson**

CASIO'S OPPOSITION TO PAPST'S MOTION FOR EXPEDITED CONSIDERATION OF ITS MOTION TO STAY PROCEEDINGS AND OF ITS MOTION TO CONTINUE THE JULY 23, 2007 DISCOVERY MOTION HEARING

The motions being heard by Magistrate-Judge Robinson on July 23 are both motions for sanctions. Papst has been sanctioned once already for failure to comply with Judge Kessler's March 13, 2007 Order that discovery proceed, and the two motions to be heard on July 23 seek additional sanctions: (1) for Papst's refusal to comply Magistrate-Judge Robinson's May 31 Order for complete responses to the Casio interrogatories; and (2) for Papst's violations of Federal Rule 26(g) by serving a total of 148 document requests, literally requesting, among many other things, every document at every Casio company all over the world that has any relation to digital cameras. It is believed that Papst is also withholding many documents ordered produced by Magistrate-Judge Robinson, while its Objections to the document production portion of that Order are pending before Judge Kessler.

Papst and its counsel have grossly abused the litigation process since day one, and these motions should be heard promptly. Papst will either be subject to sanctions or not, and Papst's request for Multi-District Litigation (MDL) treatment will have no bearing on those motions.

Casio does not object to an expedited ruling on the Motion to Continue the July 23 hearing (our opposition to the Motion to Continue is being filed today), but there is no need for expedited consideration of Papst's Motion to Stay the Proceedings. Papst has known of its plan for Multi-District Litigation since at least June 28 (by which time it had sued three different companies in three different courts, none in DC), but Papst sat on its hands and did not file its Motion to Stay until late one Friday afternoon, more than two weeks after it filed its multi-district litigations. Thus, Papst's own actions belie its alleged need for expedited consideration of the Motion to Stay.

Including its Objections to Magistrate-Judge Robinson's May 31 Order, Papst now has seven pending motions (and it is threatening an eighth), and for some reason Papst thinks it is

entitled to preferential treatment over all other litigants so that this Motion to Stay should be put to the front of the line. But the only argument Papst makes for expedited consideration of the Motion to Stay is trivial – Papst wants to know now if Judge Kessler will conduct a status conference on July 23. Refusal to allow expedited consideration will sufficiently answer that question.

Casio's counsel needs the normal amount of response time to consult with their clients and file an appropriate response to the Motion to Stay. Accordingly, Casio respectfully requests that the Papst request for expedited treatment of its Motion to Stay be denied.

Respectfully submitted,

DATED: July 16, 2007

/s/ J. Kevin Fee

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