IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ARGENTUM MEDICAL, LLC.,	)	
	)	
Plaintiff,	)	No. 07 CV 6769
	)	
v.	)	Hon. George W. Lindberg
	)	
	)	Magistrate Judge Jeffrey Cole
NOBLE BIOMATERIALS, and	)	
DERMA SCIENCES, INC.,	)	
	)	
Defendants.	)	

MOTION TO CONSOLIDATE BRIEFING SCHEDULES
AND TO PROVIDE FOR EXPEDITED DISCOVERY
LIMITED TO JURISDICTIONAL ISSUES

NOW COMES plaintiff, Argentum Medical LLC. (Argentum), by and through its attorneys of record and respectfully requests that this Court modify and consolidate its orders of February 26, 2008 (Document No. 22), and March 10, 2008 (Document No. 28) to simplify briefing for this Court and for the parties. This motion further requests a modification of these schedules to allow plaintiff to engage in expedited discovery limited to inquire into Noble's position that it has insufficient contacts with Illinois for this Court to exercise jurisdiction over it under Rule 12 (b)(2), Fed.R.Civ.Pro.

The February 26th order set a briefing schedule on Derma's Motion to Dismiss or Transfer. Derma's Motion did not challenge this Court's personal jurisdiction over it. Rather, Derma moved under Rule 12(b)(6) to dismiss the case against it or alternatively under 28 U.S.C. § 1404(a) to transfer the case to the United States District Court for the Middle District of Pennsylvania.

The March 10th order set a briefing schedule on Noble's Motion to Dismiss or transfer. Noble moved to dismiss this action under Rule 12(b)(2), 12(b)(3) and 12(b)(6) or to transfer the case to the United States District Court for the Middle District of Pennsylvania under 28 U.S.C. § 1404. Noble submitted a verified statement by its Chief Executive Officer Jeffrey B. Keane stating that Noble did not manufacture products in Illinois, it maintained no offices in Illinois, and that it "is not aware that any SILVERSEAL® product [the accused product] are being sold in Illinois." (Verification of Jeffrey B. Keane in Support of Defendant Noble Biomaterials, Inc.'s Motion to Dismiss or Transfer, ¶¶ 7-9) Based upon that statement, Noble argued that it had insufficient contacts with Illinois and that this Court lacks jurisdiction.

Based upon these statements by Noble, plaintiff requests a modification to the briefing schedules to allow for expedited discovery limited to determining Noble's contacts with Illinois. Plaintiff has also requested discovery

from Derma inasmuch as Derma sells Noble's SILVERSEAL® product and that Noble's SILVERSEAL® product is being sold and distributed in Illinois.

Counsel for plaintiff has conferred with counsel for defendants Noble and Derma and was not able to reach an agreement as to the terms of the proposed order set forth below. However, the parties were generally in agreement to consolidate these two briefing schedules into a single briefing schedule to simplify the timing for filing briefs and for this Court to rule on these pending motions although the parties did not specifically agree on the dates for filing the briefs.

With this Court consenting, plaintiff respectfully requests the following Scheduling Order be entered in place of the scheduling orders in Document Nos. 22 and 28:

(1) Argentum will serve written discovery in the form of five interrogatories on each of Noble and Derma by March 21, 2008, and ten requests for the production of documents.

(2) Noble and Derma with provide written responses to the interrogatories by March 28, 2008.

(3) Argentum will be allowed to depose Mr. Jeffrey Keane of Noble who submitted a verification statement in support of Noble's motion to dismiss or

transfer for the limited purpose of inquiring into jurisdictional issues. The deposition will be scheduled for the week of March 24, 2008.

(4) Argentum's Response brief is due on April 4, 2008.

(5) Noble's and Derma's Replies are due on April 11, 2008.

WHEREFORE, Argentum respectfully requests that this Court enter a consolidated briefing schedule order as set forth above.

Respectfully submitted,

/s/ Joseph A. Fuchs
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 14, 2008, a true and correct copy of the following document:

MOTION TO CONSOLIDATE BRIEFING SCHEDULES AND TO PROVIDE FOR EXPEDITED DISCOVERY LIMITED TO JURISDICTIONAL ISSUES

was filed electronically with the Clerk of Court using the CM/ECF System, which will provide electronic notice to the following attorneys for Defendants:

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