

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

**JOINT PROPOSAL REGARDING REVISED BRIEFING SCHEDULE FOR ALL
PRETRIAL DATES AND DEADLINES**

1. By order dated February 5, 2024, the Court instructed the parties to jointly propose a revised briefing schedule for all pretrial dates and deadlines by the close of business on February 21, 2024. Dkt. No. 525. On February 9, 2024, Google filed a motion alerting the Court that Google’s lead trial counsel had a conflict due to a previously scheduled federal jury trial. Dkt. No. 532. That motion will also be heard at the February 23, 2024 status conference.

2. Consistent with the Court’s order, referenced above, the parties have met and conferred regarding these dates and deadlines. The table below identifies the areas where the parties have reached agreement on these dates and deadlines, as well as remaining areas of disagreement, assuming a September 9 trial date. If the Court sets a different date, the parties will promptly meet and confer about proposed adjustments to this schedule. Areas of full agreement are highlighted in green, for ease of reference. Areas of partial agreement are highlighted in yellow.

EVENT	PLAINTIFFS’ PROPOSED DATES	GOOGLE’S PROPOSED DATES
Summary Judgment & Daubert Motion(s)	Friday, April 12, 2024	Friday April 26, 2024
Opposition to Summary Judgment & Daubert Motion(s)	Monday, May 6, 2024	Friday, May 17, 2024

Replies on Summary Judgment & Daubert Motion(s)	Thursday, May 16, 2024	Friday, May 31, 2024
Oral Argument (if any) on Summary Judgment & Daubert Motion(s)	Friday, May 24, 2024	Friday, June 14, 2024
Witness Lists, Pre-Trial Exhibits, Depo Designations	Friday, July 12, 2024	Friday, July 19, 2024
Each party informs each non-party of all confidential documents produced by that non-party that are on that party's exhibit list and all confidential deposition testimony of that non-party that have been designated by that party.	Tuesday, July 16, 2024	Tuesday, July 23, 2024
Objections to Witness Lists, Exhibits, and Depo Counter Designations	Friday, July 26, 2024	Friday, August 9, 2024
Non-parties provide notice whether they object to the potential public disclosure at trial of any non-party documents and deposition designations, explain the basis for any such objections, and propose redactions where possible.	Tuesday, July 30, 2024	Tuesday, August 6, 2024
Motion(s) for Confidential Treatment of Exhibits and/or Deposition Testimony and Motions <i>in Limine</i>	Friday, August 2, 2024	Friday, August 2, 2024 (Motions in Limine) Friday, August 9, 2024 (Non-Party Motion(s) for Confidential Treatment of Exhibits and/or Deposition Testimony)
Counter to Counter Depo Designations	Friday, August 9, 2024	Friday, August 23, 2024
Opposition(s) to Motion(s) for Confidential Treatment of Exhibits and/or Deposition Testimony and Oppositions to Motions <i>in Limine</i> Due	Friday, August 16, 2024	Friday, August 16, 2024 (Motions in Limine) Google's position on Opposition(s) to Non-Party Motion(s) for Confidential Treatment of Exhibits/Testimony is that these should be reserved/not required,

		permitting either Party to oppose a non-party's request for confidential treatment if and when it becomes necessary during trial.
Replies on Motion(s) for Confidential Treatment of Exhibits and/or Deposition Testimony and Motions <i>in Limine</i>	Friday, August 23, 2024	Friday, August 23, 2024 (Motions in Limine)
Parties' Proposed Jury Instructions Due	Friday, August 9, 2024	Friday, August 9, 2024
Parties meet and confer regarding admissibility of trial exhibits and deposition designations	Wednesday, September 4, 2024	Google does not think it necessary to meet and confer before trial begins regarding admissibility of trial exhibits and suggests that the parties meet and confer after deposition designations are complete to decide on a process for negotiating and clearing objections before a video is presented at trial.
Oral Argument (if necessary) on Motions in <i>Limine</i> , Motions for Confidential Treatment of Exhibits, Proposed Jury Instructions, and any other matters	Friday, August 30, 2024	Friday, August 30, 2024 (Oral Argument, if necessary, on Motions <i>in Limine</i> and Proposed Jury Instructions) Google's position on oral argument for confidential treatment of exhibits/testimony is that oral argument should be reserved until if and when the confidential information is expected to be used at trial. Google proposes providing non-parties and the Court 48-hours' notice that the non-party's confidential information is expected to be used at trial in order to provide them a sufficient

		opportunity to request oral argument pursuant to their already filed motion.
Parties' Proposed Jury Verdict Forms Due	Friday, August 30, 2024	Friday, September 6, 2024
Jury Selection/Openings ¹	Monday, September 9, 2024	Monday, September 9, 2024

3. With respect to summary judgment motions, Google requests an extension to the page limits allowed under Local Civil Rule 7(F)(3) due to the number of anticipated arguments and voluminous record. Specifically, Google requests fifty (50) pages for opening and responsive briefs and thirty (30) pages for rebuttal briefs. Plaintiffs oppose this request, and submit that summary judgment briefing can be accomplished within the page limits set forth in the Local Rules.

4. The parties will be prepared to discuss this proposed schedule further at the status conference set for February 23, 2024.

Dated: February 21, 2024

¹ The United States Attorney's Office wishes to advise the Court that it is in the process of appointing Aaron M. Teitelbaum as a Special Assistant U.S. Attorney pursuant to 28 U.S.C. §515 who will serve as local counsel pursuant to Local Rule 83.1(D)(1), if this arrangement is acceptable to the Court. The United States Attorney's Office will continue to review and sign all filings, be in regular consultation with the Department of Justice Antitrust Division in this matter, and appear at all motions hearings, status conferences, and pretrial or court mediation. At trial, however, the U.S. Attorney's Office will not be seated at counsel table during the trial. Still, the U.S. Attorney's Office will remain available to advise and consult with the Antitrust Division for the duration of the trial. Additionally, the Special Assistant U.S. Attorney will ensure that he is familiar with the Court's trial procedures through continued consultation with the United States Attorney's Office and, where practicable, observation of trial proceedings in this Court before commencement of the trial in this matter. Google takes no position on this issue.

Respectfully submitted,

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