IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 99-005-MMS
	)	
DENTSPLY INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	

DISCOVERY PLAN AND ORDER

AS SET FORTH during the March 8, 1999 conference in chambers, the following plan and schedule will govern the above-styled action:

1. The following deadlines will control:

November 15, 1999	Fact discovery closed
December 15, 1999	Expert Reports pursuant to FRCP 26(a)(2)(B)
December 15, 1999	Parties' joint submission of Stipulated Facts
January 10, 2000	Parties' witness lists pursuant to FRCP 26(a)(3)(A)
January 31, 2000	Rebuttal Expert Reports pursuant to FRCP 26(a)(2)(C)
February 11, 2000	Cut-off for deposing witnesses on FRCP 26(a)(3)(A) list that were not deposed during fact discovery
February 29, 2000	Expert depositions completed
February 29, 2000	Case Dispositive Motions and Supporting Briefs

March 31, 2000	Opposition Briefs to Case Dispositive Motions
April 21, 2000	Reply Briefs to Case Dispositive Motions

2. Witness lists shall include individuals whom the parties expect to call live at trial of this case, as required by FRCP 26(a)(3)(A). The foregoing shall not limit the parties' right to designate deposition testimony pursuant to FRCP 26(a)(3)(B).

3. On or before March 22, 1999, the parties will organize the individuals identified in their respective Rule 26(a)(1)(A) disclosures into the following categories based on the likelihood that each such individual's testimony will be presented at trial, whether live or by deposition, and serve the information on opposing party: (1) will call; (2) very likely to call; (3) likely to call; (4) unlikely to call and (5) will not call.

4. No motions shall be filed with the Court unless a statement is filed with the Court detailing efforts made to achieve agreement on the matters set forth in the motion.

5. Each party shall deliver to the other party "Bates-stamped" copies of all documents produced to one party by any non-party in response to a Rule 45 subpoena, unless the producing non-party produces to all parties simultaneously. Each party bears the costs of its set of copies; however, photocopying costs charged to another party shall not exceed 15 cents per page. Each party shall deliver: "Bates-stamped" copies totaling fewer than 1,000 pages within 5 business days after receiving the production, or within 10 business days for productions in excess of 1,000 pages. The photocopying cost figure will also apply to documents produced by the parties to one another with the requesting party bearing that cost.

6. The parties' disclosure of individuals pursuant to Rule 26(a)(1)(A) shall not constitute a waiver of work product.

7. All case dispositive motions accompanied by an opening brief and affidavit and a brief and affidavit schedule shall be served and filed no later than the deadline established by the Court. Failure to file said motions by the deadline shall be considered a waiver of all such motions. An order calling for a pretrial conference will issue in the absence of the timely filing of any such motion.

SO ORDERED:

The Hon. Murray M. Schwartz, U.S.D.J.

March 15, 1999
Wilmington, Delaware