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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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UTAH NEWSPAPER PROJECT, dba  
CITIZENS FOR TWO VOICES,

Plaintiff,

v.

DESERET NEWS PUBLISHING COMPANY  
and KEARNS-TRIBUNE, LLC,

Defendants.

**SECOND AMENDED SCHEDULING  
ORDER**

Civil No. 2:14-cv-445

Judge Jill Parrish  
Magistrate Judge Brooke C. Wells

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Pursuant to Fed. R. Civ. P. 16(b)(4), the parties' Second Joint Motion to Amend Scheduling Order<sup>1</sup>, and for good cause shown, the Amended Scheduling Order entered on July 1, 2015, docket entry ("DE") no. 82 is hereby amended as follows:

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

**1. PRELIMINARY MATTERS**

Nature of claims and any affirmative defenses: Plaintiff alleges declaratory judgment and injunctive relief claims arising under the Sherman and Clayton Acts, asserting that Defendants violated federal antitrust laws in relation to the operation of *The Salt Lake Tribune* and the *Deseret News* and the adoption of the October 2013 Joint Operating Agreement. *See generally*, Plaintiff's amended complaint, DE no. 44.

Defendants deny Plaintiff's allegations and assert defenses and affirmative defenses including failure to state a claim, lack of standing, exemption under the Newspaper Preservation Act, legal acts, lack of antitrust injury, First Amendment, waiver, estoppel and laches, procompetitive actions and bona fide business competition, lack of causation, absence of reduction of competition, absence of restraint of trade, insufficiently defined market, uncertainty

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<sup>1</sup> Docket no. 84.

and vagueness, and adequate remedy at law. *See generally*, Defendants' answers, DE nos. 56 & 57.

Defendant Kearns-Tribune, LLC asserts a counterclaim against Plaintiff seeking a declaratory judgment that it is immune from liability under the Newspaper Preservation Act. *See* DE 56, answer and counterclaim at p. 22.

<u>EVENT</u>	<u>DATE</u>
a. Was Rule 26(f)(1) Conference held?	10/07/14
b. Have the parties submitted the Attorney Planning Meeting Form?	2/10/2015
c. Deadline for Rule 26(a)(1) initial disclosures.	2/27/15
<b>2. <u>DISCOVERY LIMITATIONS</u></b>	<b><u>NUMBER</u></b>
a. Maximum Number of Fact Depositions by Plaintiff(s)	10
b. Maximum Number of Fact Depositions by Defendant(s)	10
c. Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	7
d. Maximum interrogatories by any Party to any Party	25
e. Maximum requests for admissions by any Party to any Party	25
f. Maximum requests for production by any Party to any Party	25
g. The Parties shall handle discovery of electronically stored information as follows:  All electronically stored information shall be produced as described in the ESI Specifications Annex, attached hereto as Annex 1.	
h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i>  The parties stipulate to the entry of the Standard Protective Order.	
i. Last day to serve written discovery	3/28/16
j. Close of fact discovery	4/29/16
k. ( <i>optional</i> ) Final date for supplementation of disclosures and discovery under Rule 26 (e)	3/14/16

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|-----------|---|------------------------|
| <b>3.</b> | <b><u>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>2</sup></u></b>   | <b><u>DATE</u></b>     |
| a.        | Last Day to File Motion to Amend Pleadings  | 2/12/16                |
| b.        | Last Day to File Motion to Add Parties  | 2/12/16                |
| <b>4.</b> | <b><u>RULE 26(a)(2) REPORTS FROM EXPERTS</u></b>  | <b><u>DATE</u></b>     |
| a.        | Parties bearing burden of proof   | 6/30/16                |
| b.        | Counter reports   | 8/30/16                |
| c.        | Rebuttal reports of parties bearing burden of proof   | 11/1/16                |
| <b>5.</b> | <b><u>OTHER DEADLINES</u></b>   | <b><u>DATE</u></b>     |
| a.        | Last day for Expert discovery   | 11/15/16               |
| b.        | Deadline for filing dispositive or potentially dispositive motions  | 12/30/16               |
| c.        | Deadline for filing partial or complete motions to exclude expert testimony   | 12/30/16               |
| d.        | Deadline for Plaintiffs to respond to Kearns-Tribune's First Set of Interrogatories, Request for Production and Requests for Admissions   | 1/16/16                |
| e.        | If the parties do not intend to file dispositive or potentially dispositive motions, a scheduling conference will be held for purposes of setting a trial date at   | 1/6/2016 at<br>2:00 PM |
| <b>6.</b> | <b><u>SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION</u></b>   | <b><u>DATE</u></b>     |
| a.        | Referral to Court-Annexed Mediation:  | No                     |
| b.        | Referral to Court-Annexed Arbitration   | No                     |
| c.        | The parties will complete Private Mediation/Arbitration by:   | N/A                    |
| d.        | Evaluate case for Settlement/ADR on:  |                        |
| e.        | Settlement probability:   | Unlikely               |
| <b>7.</b> | <b><u>TRIAL AND PREPARATION FOR TRIAL</u></b>   |                        |
|           | At the time of argument on motions for summary judgment, the court will discuss the scheduling of trial. Counsel should come to the hearing prepared to discuss possible trial dates. If the schedule set forth herein is not extended, the parties can generally |                        |

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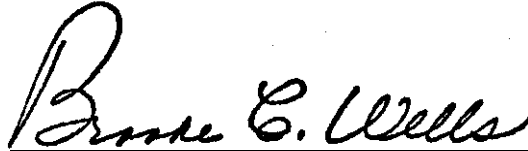
<sup>2</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

expect that trial will be set sometime during third quarter of 2016.

**8. OTHER MATTERS**

Counsel should contact chambers staff of the judge presiding in the case regarding Markman motions to determine the desired process for filing and hearing of such motions. Parties should file all such motions and Motions in Limine well in advance of the Final Pre Trial.

DATED this 16 October 2015.

A handwritten signature in black ink that reads "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B'.

Brooke C. Wells  
United States Magistrate Judge