

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BART A. BROWN, JR.,)
)
 Plaintiff,)
)
 v.) Civ. No. 98-507-SLR
)
SAP AMERICA, INC. and SAP AG,)
)
 Defendants.)

MEMORANDUM ORDER

At Wilmington this 3rd day of March, 2004, having reviewed the various motions pending in the above captioned litigation; and in order to better manage the complex issues;

IT IS ORDERED that:

1. Plaintiff's motion for sanctions, for reopening of discovery and for related relief (D.I. 162) is granted in part and denied in part. The court already has reopened discovery in light of the retrieval of defendants' archived e-mail system in Germany. The court will further permit the deposition of two individuals, Warren Hastings and John Burke, both of whom submitted affidavits in opposition to plaintiff's motion. Each of the depositions shall be limited to four hours of direct examination. The remainder of the motion is denied.

2. As the parties will recall, the above "emergency"

motion was filed as plaintiff was preparing to respond to defendants' motions for summary judgment. Having reviewed the record and defendants' motions, the court has concluded that the motion practice as commenced does not serve the interests of justice. More specifically, defendants argue in their briefs that the issues addressed are straightforward, but have submitted 1939 pages of materials in support of said motions, contained in six volumes. (D.I. 152-157) The court declines to address such a voluminous record in connection with motions ostensibly devoid of any material issues of fact. Therefore, defendants' motions for summary judgment (D.I. 148, 150) are denied, without prejudice to renew consistent with the following guidelines:

a. The discovery allowed above shall be completed on or before **April 5, 2004**.

b. All case and issue dispositive motions shall be filed on or before **May 5, 2004**.

(1) Counsel for a party who files a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure shall, at the time of filing the motion, also file a Statement certifying that no genuine issues of material fact exist with regard to the facts argued in support of the motion.

(2) In lieu of an answering brief but within the same time constraints provided for in D.Del. LR 7.1.2., any

party opposing the motion may file a Counter-Statement certifying that genuine issues of material fact exist and setting forth the material facts the party contends are disputed.

(3) The movant shall file a response to the Counter-Statement within five (5) business days of service of the Counter-Statement.

(4) The parties shall file no additional papers regarding the motion for summary judgment until the court decides whether factual disputes exist that would preclude summary disposition.

(5) If the court decides that there are no factual disputes, an answering brief and reply brief shall be ordered.

Sue L. Robinson
United States District Court