

ORDER

At Wilmington this day of , **2012**.

An Order dated , 2012 having been entered by The Honorable , referring this matter to Magistrate Judge Thyng,

IT IS ORDERED that discovery matters shall be addressed as follows:

Discovery Matters. Should counsel find they are unable to resolve a discovery matter or those other matters covered by this paragraph,¹ the parties involved shall contact chambers at (302) 573-6173 to schedule a telephone conference. After the parties have contacted chambers and have scheduled a telephone discovery conference, the moving party or parties should file a “[Joint] Motion for Teleconference To Resolve [Protective Order or Discovery] Dispute.” The suggested text for this motion can be found on the Court’s website in the “Forms” tab, under the heading “Discovery Matters–Motion to Resolve Discovery Disputes.”

Not less than forty-eight (48) hours prior to the conference, *excluding* weekends and holidays, the party seeking relief shall file with the Court a letter, not to exceed three (3) pages, in no less than 12 point font, outlining the issues in dispute and its position on those issues. (The Court does not seek extensive argument or authorities at this point; it seeks simply a statement of the issue to be addressed and a summary of the basis for the party’s position on the issue.) Not less than twenty-four (24) hours prior to the conference, *excluding* weekends and holidays, any party opposing the application for relief may file a

¹ To meet the import of that phrase, counsel are expected to first **verbally** discuss the issues/concerns before seeking the Court’s intervention.

letter, not to exceed three (3) pages, in no less than 12 point font, outlining that party's reason for its opposition. Courtesy copies of the letters are to be **hand delivered** to the Clerk's Office **within one hour of e-filing**. Should the Court find further briefing necessary upon conclusion of the telephone conference, the Court will order it.

Disputes or issues regarding (1) protective orders; (2) requests for extensions of time to file or respond to motions; and (3) requests to amend deadlines set forth in the Scheduling Order (other than deadlines relating to claim construction, case dispositive motions or trial which will be addressed by the District Court judge) should be directed to Magistrate Judge Thyng and therefore addressed in accordance with this Order. Stipulations regarding the amendment of deadlines set forth in the Scheduling Order (other than deadlines relating to claim construction, case dispositive motions or trial which will be addressed by the District Court judge) should also be directed to Magistrate Judge Thyng for signature.

No motions to compel or motions for protective order shall be filed absent approval of the court. Absent expressed approval of the court following a discovery conference, no motions pursuant to Fed. R. Civ. P. 37 shall be filed.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE