

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRIGGS & STRATTON  
CORPORATION,

Plaintiff,

v.

KOHLER CO.,

Defendant.

ORDER

ANTITRUST

05-C-025-C

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Before the court is Kohler's motion to compel discovery and to amend the schedule, which Briggs & Stratton opposes. At least one part of this motion is being granted by virtue of a collateral occurrence: as a result of last week's postponement until February 6, 2006 of the patent claims in this lawsuit, the court shall postpone commensurately the trial of the antitrust claims.

The next available date for a three week civil trial is September 11, 2006. This would lead to a summary judgment motion deadline of May 12, 2006, settlement letters due on August 4, 2006, a discovery cutoff on August 11, 2006, a final pretrial conference submission deadline of August 28, 2006, a telephonic final pretrial conference on voir dire and jury instructions on August 31, 2006 at 4:00 p.m., a September 5, 2006 response deadline to motions *in limine* and an in-person hearing on *in limine* issues on September 7, 2006 at 3:00 p.m.

I realize that everybody involved in this case is busy, some with other complex trials in this court next summer. But the court is not interested in whether trying this case on September

11 would be difficult; it wants to know whether trying this case on September 11, 2006 actually is impossible, and if so, why.

The parties may have until noon on December 2, 2005 to alert the court whether they are unable to try the antitrust claims on September 11, 2006. The court will set a telephonic scheduling conference if necessary. In the absence of a timely objection, the proffered calendar vests.

Entered this 28<sup>th</sup> day of November, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge