

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

JOHN MEZZALINGUA
ASSOCIATES, d/b/a PPC,

Plaintiff,

v.

ARRIS INTERNATIONAL, INC.,

Defendant.

ORDER

03-C-0353-C

At the October 2, 2003 status conference, this court announced that it will extend the trial date slightly to account for the pending summary judgment and claims construction motions. The parties have responded with a flurry of letters indicating disagreement about when and how the trial should proceed.

Notwithstanding plaintiff's request, the court does not intend to keep the current November trial date. The next available date is December 1, which plaintiff advocates despite the fact that it will be trying a different case simultaneously before Judge Shabaz in Courtroom 360. Plaintiff suggests that these two cases be consolidated but it is much too late in the process for that to occur.

Defendant complains that plaintiff's proposal is unworkable, but this is not defendant's argument to make. So long as it is pellucid that this court will brook no delays

or excuses from plaintiff or its attorneys on account of the simultaneous trials, this court is willing to pick the jury and begin trial on December 1, 2003. Like Siegfried and Roy, the local branch of Heller Ehrman touts itself as a team of specialists skilled at handling precarious situations; if that's what plaintiff wants, then that's what plaintiff will get.

It is ORDERED that jury selection and trial in this case shall begin at 9:00 a.m. on December 1, 2003. Both sides should expect long full trial days.

Entered this 7th day of October, 2003.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge