

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

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UNIEK, INC.,

Plaintiff,

v.

DOLLAR GENERAL CORPORATION,

Defendant.

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ORDER

06-C-311-C

On February 27, 2007, this court held a telephonic status and motion conference. Both sides were represented by counsel. After discussing the pending motions and the calendar with the parties, I provided the following rulings and directions to the parties:

First, there is no “discovery deadline” attendant to Uniek’s attempts to gain information from Harbortown. Accordingly, Uniek’s motions to extend discovery for this purpose (dkt. ##91 and 94) are granted.

Next, to the extent the parties (particularly Uniek) seek additional breathing room to complete discovery – and perhaps file new motions with the court – the general discovery deadline is extended to March 16, 2007 at 4:30 p.m. The parties may exchange their pretrial materials as required by Rule 26(a)(3) and this court’s orders by March 19, 2007 by 4:30 p.m. The parties’ submission deadline to the court in anticipation of the final pretrial conference is extended to March 25, 2007 at midnight (this last date acknowledges the reality that a midnight Friday deadline is the same as a midnight Sunday deadline in terms of the court’s ability to review the submissions). Although we discussed the possibility of

new motions and a new trial date, I made it clear that the April 2, 2007 trial date stands and is unlikely to move absent extraordinary circumstances.

I denied Uniek's motion to compel the deposition of David Perdue (dkt. 74) on this condition: not later than March 2, 2007, Perdue must file and serve a sworn affidavit confirming Robert Stephenson's declaration that Perdue had no personal involvement in the matters on which Uniek wishes to depose him, that he delegated responsibility for investigating Uniek's complaints, and that he wasn't involved in establishing an agreement with Uniek for the 2006 planogram, nor was he involved in a "walk through." If Perdue can aver to these things, then he has no discoverable information that would require him to sit for a deposition.

I will provide rulings on the remaining motions to compel and for sanctions not later than March 2, 2007. The issue of dismissing claims or granting judgment is reserved for the district judge and will not be part of any ruling from me.

The parties had no other matters to bring to the court's attention.

Entered this 28<sup>th</sup> day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge