

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

120 N. Henry Street, Rm. 540
Post Office Box 591
Madison, Wisconsin 53701

Chambers of
STEPHEN L. CROCKER
U.S. Magistrate Judge

Telephone
(608) 264-5153

March 12, 2009

John Scheller
Michael Best & Friedrich LLP
P.O. Box 1806
Madison, WI 53701-1806

RE: Johnson Health Tech. Co., Ltd. v. Icon Health & Fitness, Inc.
Case No. 08-cv-750-slc

Dear Attorney Scheller:

On December 23, 2008, you filed the above-captioned civil lawsuit in this court. Over 45 days have passed since, and nothing else has happened in your case. This lack of progress concerns the court. F.R. Civ. Pro. 1 requires the just, speedy and inexpensive determination of every action. Accordingly, I have set a telephonic status conference for Thursday, March 31, 2009 at 9:00 a.m., to be initiated by your office, so that you can explain why your case is not moving forward.

It would be in your best interest to serve your complaint forthwith. This would allow you and the defendant(s) to hold your Rule 16 meeting and prepare your Rule 26(f) report prior to the status conference. I fully expect that the court will be able to convert the conference into your required telephonic pretrial conference.

Thank you in advance for your prompt attention to the court's concerns.

Sincerely,

/s/

Stephen L. Crocker
Magistrate Judge

SLC:cak
Enclosure

**STANDING ORDER GOVERNING PRELIMINARY PRETRIAL CONFERENCES
SUBSTANTIVELY REVISED OCTOBER 2008**

Pursuant to F. R. Civ. P. 26(f), not later than one week before the preliminary pretrial conference all parties in this case shall confer about all matters listed in that rule. Not later than three business days before the preliminary pretrial conference, the parties shall file with the court their proposed discovery plan, including any proposals concerning topics listed in Rule 26(f)(1)-(6). In preparing their plan, the parties should note that:

- 1) Pursuant to Rule 26(d), a party may not seek discovery from any source prior to the meeting required by this order.
- 2) The parties may stipulate out of the disclosure requirements of Rules 26(a)(1) and 26(a)(2)(B) by unanimous agreement. In the absence of such an agreement, the court will enforce these rules.
- 3) Trial shall be held nine to twelve months after the preliminary pretrial conference, slightly later for extremely complex cases.
- 4) The court requires dispositive motions to be filed not later than 4½ months before trial, prior to the close of discovery.

The parties' report to the court must contain the following information, which should be provided in a joint statement. If the parties disagree on a point, then each party shall state its position on that point separately within the joint report.

- 1) A concise statement of the nature of the case.
- 2) The names of any related cases.
- 3) A specific statement of the material factual and legal issues to be resolved at trial.
- 4) A description of any amendments to the pleadings that any party intends to make.
- 5) The identity of any new parties to be added, including an explanation as to why these parties must (or should) be added.
- 6) The estimated trial length.
- 7) Any other matter affecting the just, speedy and inexpensive disposition of this case, or which the court should take into account in setting the schedule.

CASES ASSIGNED TO THE MAGISTRATE JUDGE: for case management purposes, the court must know prior to setting the trial schedule whether the parties in cases assigned to the magistrate judge are consenting or declining to consent. Therefore, not later than three days before the preliminary pretrial conference the parties shall submit either an executed consent or declination form. *Failure timely to submit an executed consent or declination form will cause the court to postpone the pretrial conference until the parties have reported.*

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge