

IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

MAXELL, LTD.

§

V.

§

No. 5:19CV36-RWS

§

APPLE INC.

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§

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**ORDER REGARDING EXPEDITED BRIEFING SCHEDULE  
AND SETTING HEARING ON PENDING MOTIONS**

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The following motions have been referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636:

**Maxell, Ltd.’s Opposed Motion for Sanctions (Docket Entry # 210); and**

**Maxell, Ltd.’s Motion for Expedited Briefing on its Motion for Sanctions (Docket Entry # 211).**

The Court, having reviewed the motion for expedited briefing and without waiting for the response-time to run,<sup>1</sup> is of the opinion the motion for expedited briefing is reasonable and should be **GRANTED, as modified.**

Plaintiff Maxell, Ltd. (“Maxell”) requests an expedited briefing schedule with respect to its Opposed Motion for Sanctions, which was filed with the Court on March 5, 2020 and has been referred to the undersigned for consideration. Maxell requests the Court order Defendant Apple Inc. (“Apple”) to file its response to the motion for sanctions on or before March 13, 2020, with no additional briefing from the parties. Although Maxell is willing to waive reply briefing on the motion for sanctions given the urgency of the issues and sanctions requested therein, Maxell believes that

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<sup>1</sup> Pursuant to Local Rule CV-7(e), a party has fourteen days (twenty-one days for summary judgment motions) in which to file a response to a motion, after which the Court will consider the submitted motion for decision. Any party may separately move for an order of the Court lengthening or shortening the response period.

a hearing should be held to address the motion.

Maxell believes expedited briefing is appropriate in view of the impact that the motion for sanctions has on the upcoming April 7, 2020 deadline for opening expert reports. According to Maxell, expedited briefing on the motion for sanctions will enable the Court to set for a single hearing the motion for sanctions and Maxell's Opposed Motion to Compel (Docket Entry # 197), which has also been referred to the undersigned for consideration. Maxell argues there is overlap of issues between the two motions, and the most efficient result for both the parties and the Court is to set both motions for hearing as soon as practicable.

The certificate of conference indicates Apple opposes an expedited briefing schedule. Although Apple has not yet had the opportunity to file a response to the motion for expedited briefing, considering the Court's calendar, the Court finds Maxell's request reasonable. Without waiting for a response, the Court grants the request, but modifies it to allow Apple more time than requested. Rather than order Apple's expedited response to be filed by Friday, March 13, the Court will allow Apple to file its expedited response on or before Monday, March 16 at 8:00 a.m.<sup>2</sup> This will allow the Court to hear both ripe motions in one hearing on Tuesday, March 17, 2020, as set forth in more detail below. The Court will also allow the parties to file reply briefing following the Court's hearing. Accordingly, it is

**ORDERED** that Maxell, Ltd.'s Motion for Expedited Briefing on its Motion for Sanctions (Docket Entry # 211) is **GRANTED, as modified**. It is further

**ORDERED** that Apple Inc. shall file an expedited response to Maxell, Ltd.'s Opposed Motion for Sanctions (Docket Entry # 210) on or before Monday, March 16, 2020 at 8:00 a.m. Any

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<sup>2</sup> The Court notes Apple's response deadline is shortened by only three days.

reply shall be filed on or before March 18, 2020 at noon, and any surreply shall be filed on or before March 23, 2020 at 8:00 a.m. It is further

**ORDERED** that Maxell, Ltd.'s Opposed Motion to Compel (Docket Entry # 197) and Maxell, Ltd.'s Opposed Motion for Sanctions (Docket Entry # 210) are scheduled for hearing before the undersigned at **10:00 a.m** on Tuesday, **March 17, 2020** at the United States District Court, 500 N. Stateline, Fourth Floor Courtroom, Texarkana Texas. Each side is limited to one hour for oral argument at the hearing. This includes presentation of both motions and any responses or replies thereto. It is further

**ORDERED** that to the extent they have not already done so, the parties shall forward courtesy copies of all relevant briefing to the undersigned as soon as practicable.

**SIGNED this 6th day of March, 2020.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE