

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., ET AL.,

Defendants.

**CIVIL ACTION NO. 6:14-cv-982-JRG
LEAD CASE**

**SONY MOBILE COMMUNICATIONS (USA) INC.'S UNOPPOSED
MOTION TO AMEND THE DOCKET CONTROL ORDER**

I. INTRODUCTION

Defendant Sony Mobile Communications (USA) Inc. (“Sony Mobile”) files this unopposed motion to amend the Court’s June 15, 2015 Docket Control Order (D.I. 74) to reschedule the June 13, 2016 pretrial conference in light of a conflicting Jewish religious holiday observed by Sony Mobile’s lead counsel, Michael N. Rader.

After consulting with all parties regarding their availability, Sony Mobile respectfully requests that the Court reschedule the pretrial conference for any date between June 21, 2016 and June 24, 2016 that is convenient for the Court. Plaintiff Cellular Communications Equipment LLC (“CCE”) does not oppose this motion, nor do any of the other consolidated defendants, namely Kyocera Communications, Inc., Cellco Partnership d/b/a Verizon Wireless, LG Electronics, Inc. and LG Electronics U.S.A, Inc., T-Mobile USA, Inc. and T-Mobile US, Inc., AT&T Mobility LLC and Sprint Solutions, Inc., Sprint Spectrum L.P., and Boost Mobile, LLC.

As discussed more fully below and in the August 3, 2015 Declaration of Attorney Michael N. Rader (“Rader Decl.”), good cause exists for Sony Mobile’s requested amendment to the Docket Control Order.

II. RELEVANT PROCEDURAL BACKGROUND

On June 12, 2015, the parties filed their Motion for Adoption and Entry of a Proposed Docket Control Order, setting forth a proposed schedule that complied with the Court’s sample docket control order and the suggested docket control order provided to the parties at the May 29, 2015 Scheduling Conference. (D.I. 72, 74). Prior to filing that motion, counsel for Sony Mobile informed the parties that June 13, 2016, the scheduled date for the pretrial conference, fell on a Jewish holiday observed by Sony Mobile’s lead counsel, and that as a result Sony Mobile would need to move the Court to amend the Docket Control Order. (Rader Decl. ¶ 5).

As of the June 12, 2015 filing of the Proposed Docket Control Order, Sony Mobile was still in the process of consulting with all parties concerning its proposed motion to amend and determining a list of alternate dates when counsel for all parties would be available for the pretrial conference. After several weeks of subsequent correspondence, Sony Mobile secured statements of non-opposition from all parties with respect to this motion. (Rader Decl. ¶¶ 6-7).

Accordingly, Sony Mobile hereby respectfully requests that this Court reschedule the June 13, 2016 pretrial conference to any date on or between June 21, 2016 and June 24, 2016 that is convenient for the Court's schedule. If none of these dates are convenient for the Court, Sony Mobile's counsel is available to consult with the Court's clerk and with counsel for all parties to determine a date that works for the Court and for all parties.

III. GOOD CAUSE EXISTS FOR SONY MOBILE'S REQUEST

Good cause exists for Sony Mobile's motion. As explained in Attorney Rader's declaration, the Jewish calendar includes both solar and lunar elements, and thus Jewish holidays fall out on different dates in the Gregorian calendar from one year to the next. In 2016, the Jewish holiday of Shavuot falls on June 12-13. The Shavuot holiday is a major holiday on the Jewish calendar, on which Jewish law prohibits work and travel. (Rader Decl. ¶¶ 3-4).

As lead counsel for Sony Mobile, it is crucial that Mr. Rader attend the pretrial conference. Mr. Rader's immovable religious conflict establishes good cause for rescheduling the pretrial conference.

As noted above, the motion is unopposed. Counsel for Plaintiff CCE and all of the consolidated defendants have confirmed that any date on or between June 21, 2016 and June 24, 2016 would be acceptable as an alternative pretrial conference date. (Rader Decl. ¶ 8).

Accordingly, Sony Mobile respectfully requests that the Court amend the Docket Control Order (D.I. 74) and reschedule the June 13, 2015 pretrial conference in this case to any day falling on or between June 21, 2016 and June 24, 2016. A proposed order is attached. If none of the aforementioned dates are convenient for the Court, Sony Mobile's counsel is available to consult with the Court's clerk and with counsel for all parties to determine a date that works for the Court and all parties.

Dated: August 3, 2015

Respectfully submitted by,

/s/ Michael N. Rader

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this August 3, 2015. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Chelsea A. Loughran
Chelsea A. Loughran