

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28**EPIC GAMES, INC.,**

Plaintiff,

v.

**APPLE INC.,**

Defendant.

Case No. 4:20-cv-05640-YGR

**CASE SCHEDULING AND PRETRIAL ORDER**

Re: Dkt. No. 105

**TO ALL PARTIES AND COUNSEL OF RECORD:**

The Court hereby sets a bench trial date in this action including related pretrial deadlines. These dates have been set considering myriad factors, including: the parties' submissions; the efficiencies achieved by discovery having been conducted in the related matters, *In re Apple iPhone Antitrust*, 4:11-cv-06714-YGR (N.D. Cal.), and *Donald R. Cameron, et. al. v. Apple Inc.*, 4:19-cv-03074-YGR (N.D. Cal.) (collectively, the "Related Matters"); the parties' decision to request a bench trial; and the Court's anticipated jury trial schedule in the summer of 2021 given the backlog created by the ongoing coronavirus (COVID-19) pandemic.

Accordingly, for the foregoing reasons, the Court **HEREBY SETS** the following trial and pretrial dates:

**SCHE**

---

**ULE**

NON-EXPERT DISCOVERY CUTOFF:

February 15, 2021

DISCLOSURE OF EXPERT REPORTS:

ALL EXPERTS, RETAINED AND NON-RETAINED  
MUST PROVIDE WRITTEN REPORTS COMPLIANT  
WITH FRCP 26(A)(2)(B):

Opening: February 15, 2021

Rebuttal: March 15, 2021

---

1	EXPERT DISCOVERY CUTOFF:	March 31, 2021 <sup>1</sup>
2	DISPOSITIVE MOTIONS <sup>2</sup> / DAUBERT MOTIONS To BE HEARD BY:	None to be filed without conference
3	COMPLIANCE HEARING (SEE BELOW)	April 2, 2021 at 9:00 a.m.
4	JOINT PRETRIAL CONFERENCE STATEMENT:	April 9, 2021
5	PRETRIAL CONFERENCE:	Wednesday, April 21, 2021 at 9:00 a.m.
6	TRIAL DATE AND LENGTH:	Monday, May 3, 2021 at 8:30 a.m. (Bench Trial)

---

9 Pursuant to the Court's Pretrial Instructions in Civil Cases at Section 2, trial counsel shall  
 10 meet and confer in advance of the Pretrial Conference. The Compliance Hearing is intended to  
 11 confirm that counsel have reviewed the Court's Pretrial Setting Instructions and are in compliance  
 12 therewith. Five (5) business days prior to the date of the compliance hearing, the parties shall file  
 13 a one-page JOINT STATEMENT confirming they have complied with this requirement or  
 14 explaining their failure to comply. If compliance is complete, the parties need not appear and the  
 15 compliance hearing will be taken off calendar. Failure to do so may result in sanctions.

16 The parties must comply with both the Court's Standing Order in Civil Cases and Standing  
 17 Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All  
 18 Standing Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

19 The Court will determine closer to the trial date whether the bench trial will be conducted  
 20 in person or virtually or some combination thereof. Production of exhibits to the Court will be  
 21 impacted depending on the resolution of this issue.

22 In preparation for the case management conference scheduled for October 19, 2020, the  
 23 parties should meet and confer and formulate recommendations to streamline trial issues and  
 24 briefing, including whether briefing on certain legal issues should be staged in advance of the trial.

---

25 <sup>1</sup> To the extent that the parties need to supplement exhibits already filed with the Court in  
 26 compliance with the Court's standing orders, the parties should work cooperatively to do so.

27 <sup>2</sup> See Standing Order regarding Pre-filing Conference Requirements for motions for  
 28 summary judgment.

1 In addition, the Court is interested in the potential overlap with the Related Matters. Accordingly,  
2 the parties are instructed to meet and confer with counsel in the Related Matters as well. A case  
3 management conference is scheduled in each of those actions at the same time.

4 By October 15, 2020, the parties shall jointly file one proposed agenda to inform the  
5 combined case management conference, even if it includes matters unique to a particular action.

6 **IT IS SO ORDERED.**

7 Dated: October 6, 2020

  
8  
9 YVONNE GONZALEZ ROGERS  
10 UNITED STATES DISTRICT JUDGE

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
United States District Court  
Northern District of California