

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK, *et al.*,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

ORDER

Pursuant to the Pre-Hearing Conference held on March 8, 2002, the record of which is incorporated herein by reference, it is this 11th day of March, 2002, hereby

ORDERED that Microsoft's Emergency Motion to postpone the Remedies Hearing is GRANTED in part and DENIED in part; and it is further

ORDERED that the Remedies Hearing previously scheduled to commence on March 11, 2002, is CONTINUED; and it is further

ORDERED that the Remedies Hearing shall commence at 9 a.m. on March 18, 2002, in Courtroom 11; and it is further

ORDERED that the parties shall provide the Court with supplemental briefing pursuant to the following schedule:

- Plaintiffs shall file their supplemental memorandum of law not later than March 15, 2002; and
- Defendant shall file its reply to Plaintiffs' supplemental memorandum of law not later than March 20, 2002; and it is further

ORDERED that, when issues arise with regard to the use of confidential exhibits, the party or third-party objecting to the use of the exhibit in open court shall so notify the Court

pursuant to the system established in the Court's February 26, 2002, Order which specified in pertinent part that:

- To the extent that any dispute between the parties may be anticipated, the party seeking a ruling . . . shall provide the Court and opposing counsel with notice of the issue and an informal memorandum of points and authorities in support thereof;
- Such notice shall be provided via facsimile to both the Court and opposing counsel not later than 6 p.m. on the day before the evidence in question is to be introduced;
- The party opposing any such request for ruling shall respond in kind to the proponent's informal memorandum of points and authorities via facsimile to the Court and opposing counsel by 7:30 p.m. on the day before the evidence in question will be introduced;
- Neither party's informal memorandum of points and authorities shall exceed three pages in length; and it is further

ORDERED that Microsoft's "Motion In Limine To Exclude the Purported Expert Opinion Testimony of the Non-Settling States' Lay Witnesses" shall be addressed in the context of presentation of testimony at trial; and it is further

ORDERED that Microsoft's "Motion to Compel the Production of Steven McGeady's Personnel File or, in the Alternative, to Preclude Him from Testifying In This Action" is resolved as discussed on the record of the March 8, 2002, Pre-Hearing Conference; and it is further

ORDERED that Microsoft's "Motion in Limine to Preclude Testimony By James Barksdale and Steven McGeady that is Either Repetitive of the Substance of, or Subjects Covered in, Their Prior Trial Testimony or Wholly Speculative" is resolved as discussed on the record of the March 8, 2002, Pre-Hearing Conference and, to the extent that portions of the motion remain for resolution, those portions shall be addressed in the context of presentation of testimony at trial; and it is further

ORDERED that the following motions, as discussed at the Pre-Hearing Conference, are HELD IN ABEYANCE pending further briefing:

- Microsoft’s “Motion in Limine To Exclude Testimony on Products Unrelated to the Limited Ground of Liability Upheld by the Court of Appeals;”
- Microsoft’s “Motion In Limine To Exclude Testimony About Events That Allegedly Occurred Before June 24, 1999;” and
- Microsoft’s “Motion In Limine to Exclude Testimony Relating to the Removal of Software Code from Windows.”

SO ORDERED.

COLLEEN KOLLAR-KOTELLY
United States District Judge