

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

Presently pending before the Court are the MDL Plaintiffs' "Reply to Defendant Microsoft's Memorandum in Partial Opposition to Plaintiffs' Motion for Leave to Intervene to Clarify or Modify the Protective Order" and the supplement thereto. The MDL Plaintiffs' reply memorandum recounts that, pursuant to Order of the Court, the MDL Plaintiffs contacted the relevant third-parties and engaged in discussions with such third-parties in an effort to resolve any objections or disagreements regarding the proposed modification of the protective order in this case. The MDL Plaintiffs recount that "the vast majority of third-parties do not oppose providing the MDL Plaintiffs access to third-party documents under the terms proposed in the motion." Reply at 2. The MDL Plaintiffs further report that, in order to satisfy some third-parties, they have agreed to additional terms, pursuant to which, the third-party documents would be provided to MDL Plaintiffs. Thus, report the MDL Plaintiffs, they have reached some sort of agreement with all but five third-parties.¹ As the Court indicated in its previous order on this

¹The Court does not include in this number any third-parties who have failed to respond to the communications by the MDL Plaintiffs. The Court interprets their silence as assent to the

subject, those parties with whom the MDL Plaintiffs have been unable to reach agreement will be provided with an opportunity to file formal argument with this Court.²

Based on the foregoing, it is this 13th day of September, 2002, hereby

ORDERED that the MDL Plaintiffs shall file with the Court the proposed modification to the Protective Order in this case not later than September 20, 2002. Such modification shall reflect the terms agreed to by a number of third-parties generally, as well as any specific terms agreed to by the MDL Plaintiffs and particular third parties. The MDL Plaintiffs' filing shall be in the form of a Proposed Order and may be accompanied by a memorandum to assist the Court if appropriate; and it is further

ORDERED that if, after continued efforts, third-parties Hewlett-Packard Co., Gateway, Dell/Sony Corp., Novell Inc., and Autodesk Inc. remain unable to reach an agreement with the MDL Plaintiffs regarding modification of the Protective Order in this case, they shall file, jointly or individually, brief memoranda specifying the basis for their objections to the MDL Plaintiffs' motion to modify. Such memoranda shall be filed not later than October 4, 2002. Failure to file such memoranda will be interpreted by the Court as assent to the MDL Plaintiffs' motion to modify.

SO ORDERED.

COLLEEN KOLLAR-KOTELLY
United States District Judge

terms proposed by the MDL Plaintiffs.

²The Court observes that one such third-party, Dell Computer Corp., has already filed renewed objections with the Court.