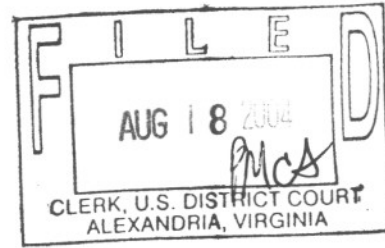


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

SALT INSTITUTE and the CHAMBER)
OF COMMERCE OF THE UNITED)
STATES OF AMERICA,)
)
Plaintiffs,)
v.)
)
TOMMY G. THOMPSON, Secretary, U.S.)
Department of Health and Human Services,)
)
Defendant.)



Civil Action No. 1:04cv359

RULE 16(b) SCHEDULING ORDER

1. Upon consideration of the representations made by counsel at the Rule 16(b) Conference, the Court makes the following rulings:

a. The proposed Rule 26(f) Joint Discovery Plan is approved and shall control discovery to the extent of its application as modified by the Court.

b. Discovery shall be concluded by November 12, 2004. Discovery is stayed until the Court rules on the pending motion to dismiss or September 24, 2004, whichever occurs first.

c. All Rule 26(a)(1) disclosures shall be completed by October 1, 2004.

d. Each defendant who has not yet appeared shall make Rule 26(a)(1) disclosures within eleven days after responding to the complaint, and all other parties who have then appeared shall make their disclosures to such defendant within that period.

e. Depositions are not limited to one day of seven hours.

f. Copies of all motions and all papers filed relating to such motions shall be delivered directly to the appropriate judicial chambers when the originals is filed with the clerk.

2. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel becomes aware of the grounds for the motion.

3. Any motion to file documents under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must be docketed for a hearing or made

in open court. The motion must state sufficient facts supporting the action brought, and each proposed order must include specific findings. See *Ashcraft, et al., v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

4. All motions, except for summary judgment, shall be noticed for hearing on the earliest possible Friday before the pretrial conference. Ten working days' notice is required for motions to dismiss, for summary judgment, for patent claim construction, and for judgment on the pleadings. Non-dispositive motions must be filed and delivered by the Friday before the Friday for which noticed, with responses due not later than the Wednesday before the hearing.

5. Without leave of Court, all Fed. R. Civ. P. 12 issues shall be raised in one pleading. Similarly, unless Court permission is obtained in advance, all summary judgment issues must be presented in the same pleading.

6. All motions must adhere to the page limits set in Local Rule 7(e)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

7. Depositions, interrogatories, requests for documents and admissions and answers thereto shall not be filed except on Order of the Court, or for use in any motion, or at trial.

8. In non-jury cases, counsel shall file with the clerk at the beginning of trial, written proposed findings of fact and conclusions of law. In jury cases, instructions shall be filed five (5) days prior to trial in accordance with Local Rule 51. Violation of this rule will constitute a waiver of objections to any instructions given.



Liam O'Grady
United States Magistrate Judge

Date: August 18, 2004
Alexandria, Virginia