

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MEREDITH CORP. et al.,

Plaintiffs,

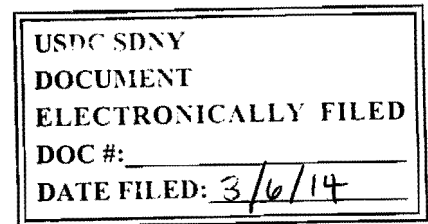
-v-

SESAC, LLC et al.,

Defendants.  
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09 Civ. 9177 (PAE)

ORDER



PAUL A. ENGELMAYER, District Judge:

On March 3, 2014, the Court issued an Opinion & Order denying the motion for summary judgment of defendant SESAC LLC, while narrowing, in several respects, the scope of plaintiffs' claim under Section 1 of the Sherman Act. The issue now before the Court concerns the case schedule, going forward.

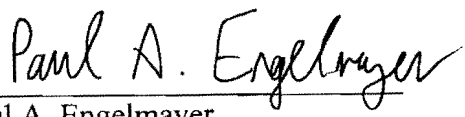
The Court's assessment is that, at this juncture, the interests of the parties, and of a just outcome, are best served by giving the parties and their able counsel a meaningful opportunity to reflect on and discuss the future course of this litigation, without the pressure of looming court deadlines. The Court hopes that the parties and counsel will use this "time out" to explore and discuss whether there are terms on which this lawsuit can be amicably resolved. The Court's assessments of the facts and law in its recent decision also may be relevant to counsels' assessments. The Court accordingly will not now set any deadlines for motions (*e.g.*, for class certification), pretrial submissions, or trial.

The Court instead directs that the parties and counsel use the next month to consider and discuss such matters. The Court directs that the parties submit to the Court, no later than Friday,

April 11, 2014, a joint letter. If the case appears on track to settle, or if the parties agree that an additional period of time without deadlines being set is merited to facilitate productive ongoing settlement discussions, the parties should so state; for avoidance of doubt, the Court does not invite or expect counsel to address the substance of any settlement discussions. If the parties do not agree that there is a realistic prospect of settlement, the letter is to identify (1) any future motions that either intends to make; (2) the parties' respective estimates of the length of trial, with concrete explanations for these estimates; and (3) any other consideration that either party believes bears on the pretrial and trial schedule. Upon receipt of such a letter, the Court expects that it would set a firm trial date and relevant intermediate dates (*e.g.*, for briefing of and argument on pretrial motions, and for submission of a joint pretrial order). The parties should not expect a trial date, once set, to be moved.

The Court urges the parties to use this window of time wisely. The Court is mindful that this case presents complex issues and that any settlement process would likely have to take account of numerous business as well as legal considerations. To assure that the parties have ample time to discuss relevant matters before the deadline for submission of their joint letter, the Court directs that lead counsel for plaintiffs and lead counsel for SESAC speak with each another by Friday, March 21, 2014, at the latest.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: March 6, 2014  
New York, New York