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November 19, 2009

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: ***Petitions for Declaratory Ruling Regarding Public, Educational, and Governmental Programming, CSR-8128, MB Docket No. 09-13***

Dear Ms. Dortch:

On November 19, 2009, on behalf of the Michigan Communities of the City of Dearborn and Bloomfield and Meridian Townships, I forwarded by email the attached order of the United States District Court for the Eastern District of Michigan. The email was sent to Sherrese Smith, Joshua Cinelli, Rosemary Harold, Rick Kaplan and Brad Gillen, Legal Advisors to Chairman Genachowski and Commissioners Copps, McDowell, Clyburn and Baker respectively. The text of the email read as follows:

In an effort to keep the Commissioners apprised of the status of the underlying litigation that resulted in the City of Dearborn and other Michigan communities' Petition for a Declaratory Judgment (MB Docket Number 09-13, CSR-8128), I am forwarding the November 18, 2009 order of the United States District Court for the Eastern District of Michigan directing Parties to prepare a joint discovery plan and be prepared for a pretrial conference on January 7, 2010.

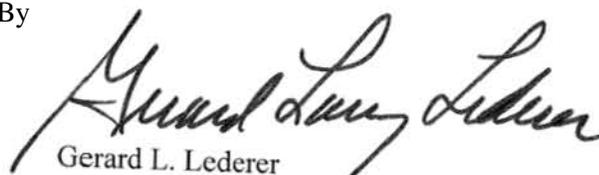
I will also file this email and attachment as an ex parte with Secretary Dortch.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter and attachment are being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

MILLER & VAN EATON, P.L.L.C.

By

  
Gerard L. Lederer

Attachment  
2029\12\00150940.DOC

**IT IS THE RESPONSIBILITY OF COUNSEL TO READ THIS ENTIRE NOTICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CITY OF DEARBORN et al,

Plaintiff(s),

vs

Case No: 08-10156  
Honorable Victoria A. Roberts

COMCAST OF MICHIGAN III, INC. et al,

Defendant(s),

**NOTICE OF FRCP 16(b) STATUS AND SCHEDULING CONFERENCE**

**IF THE PARTIES** have not already done so, you are directed to **meet face-to-face** to prepare a **joint** proposed discovery plan in accordance with FRCP 26(f).

The Rule 26(f) plan must be electronically filed **FOURTEEN (14) DAYS PRIOR TO THE CONFERENCE.**

In addition to the requirements set forth in Rule 26(f), your proposed plan must address:

- The background of the action, and the principal factual and legal issues, including the nature of and basis for all claims and defenses;
- Proposed amendments to the pleadings;
- Admissions of facts and stipulations to the authenticity of certain documents;
- Whom you propose to depose, whether you propose to depose more than ten (10) witnesses, and whether you expect any deposition to last longer than seven (7) hours in one day (See amendment to FRCP 30(d)(2));
- Whether you seek leave to serve in excess of twenty-five (25)

interrogatories, including sub-parts;

- Areas which may require expert testimony;
- Electronic discovery, and include procedures and protocols for disclosure or discovery of electronically stored information;
- Any issues (including procedures and protocols) relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced;
- Any issue relating to preserving discoverable information.
- Outstanding or anticipated discovery disputes, and the basis you have for any objection;
- Whether either party believes any of the initial disclosure requirements under FRCP26(a)(1) are not appropriate, and the basis for the parties' objection;
- An appropriate management plan, including a recommended discovery cut-off date;
- State whether your client will consent to the imposition of costs and sanctions if the case is referred to state court case evaluation under authority of LR 16.3; and
- Each side's view of what it would take to resolve this matter.

The parties shall not use their failure to promptly hold a Rule 26(f) meeting, or the Court's failure to promptly schedule a Rule 16 conference, as the basis for not making disclosures required under Rule 26(a)(1).

And, an attorney's failure to participate in the scheduling of a Rule 26(f) meeting, thereby delaying discovery, shall be brought to the attention of the Court immediately by opposing counsel.

**YOU ARE NOTIFIED TO APPEAR ON: JANUARY 7,2010** at 2:00 PM for the Status and Scheduling Conference.

Counsel are advised to familiarize themselves with the requirements of FRCP 16 and 26 and Local Rules 16.1, 16.2, 16.3, 26.2 and 26.3 prior to this conference (Please note that parts of LR 26.2, Filing of Discovery Material, and LR

26.3(a), Disclosures Required by Fed. R. Civ. P 26(a)(1), are now in conflict with the federal rules and were repealed effective December 1, 2000).

At the Scheduling Conference, counsel should be prepared to:

- A. Identify and narrow issues;
- B. Discuss pleading amendments;
- C. Discuss settlement;
- D. Discuss control of discovery;
- E. Identify issues which may appropriately be resolved by motion;  
and
- F. Estimate trial length.

Counsel are advised to bring their calendars for the scheduling of dates.

S/Carol A. Pinegar  
Carol A. Pinegar, Case Manager  
United States District Court  
(313) 234-5230

Dated: 11/18/09

**IT IS THE RESPONSIBILITY OF PLAINTIFF TO NOTIFY ALL COUNSEL KNOWN AND NOT LISTED BELOW OF THIS STATUS AND SCHEDULING CONFERENCE.**

The court does not grant adjournments of Status and Scheduling Conferences because trial counsel is not available. Substitute counsel must appear who is knowledgeable about the case and who can meaningfully discuss the issues outlined above. In some instances, requests for trial counsel to hold this conference by telephone will be granted.

(Revised 9/06)