COPY MAILED TO:
COUNSEL FOR PLTFF(S):
COUNSEL FOR DFT(S):
PLTFF PRO SE:
DFT. PRO SE:
DATE: 6/2/99
BY:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

VISA USA, INC., VISA INTERNATIONAL CORP., AND MASTERCARD INTERNATIONAL, INC.,

Defendants.

98 Civ. 7076 (BSJ)

ORDER

COPY

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Having carefully reviewed the parties' submissions relating to discovery and scheduling of the above-entitled action, and having reviewed the relevant law, the Court ORDERS

1. That the defendants make available to the Government, for copying by the Government or at the Government's expense, non-privileged, responsive documents on CD-Rom;[1]

2. In light of the Government's recent proposals to the defendants that the Government would revise and limit its outstanding document requests, that the Government provide a revised and more limited set of document demands to defendants;

3. That document discovery be completed by the currently ordered date of June 18, 1999; and

4. That the Government and the defendants shall, on or before June 23, 1999, inform the Court in writing what,

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[1] The Court does not see any justification for requiring the Government to pay the cost of creating the CD-Rom documents, as opposed to paying the cost of copying them, given that the defendants created the documents voluntarily and not in order to comply with a document demand from the Government. Moreover, to the extent that the CD-Rom documents constitute attorney work product, the Court concludes that the Government has shown that their substantial equivalent is not available without undue burden. This conclusion is based, in part, on the tight trial schedule and the need for expeditious conclusion of discovery.

if any, document discovery remains outstanding.

The parties are directed to appear before the Court for a status and scheduling conference on June 25, 1999, at 4:00 p.m., in Courtroom 905, the United States Courthouse, 40 Foley Square, New York, New York 10007.

SO ORDERED:

/S/

Barbara S. Jones
UNITED STATES DISTRICT JUDGE

New York, New York
June 1, 1999

MEMO ENDORSED

It is ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing a copy to all counsel and retaining verification of such in the case file. Do not fax such verification to Chambers.

CHAMBERS OF
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