

MAR 17 2003

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

LARRY W. PROPES, CLERK
CHARLESTON, SC

DIRECTV, INC., a California corporation,

Plaintiff,

vs.

Stephen Nicholson,

Defendants.

Case No.: 8 03 0042 18

DEFENDANT'S 26(f) REPORT

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below):

We agree that the schedule set forth in the Conference and Scheduling Order filed _____ is appropriate for this case. The information required by Local Civil Rule 26.03 are attached.

We agree that the schedule set forth in the Conference and Scheduling Order filed _____ requires modification as set forth in the attached proposed Consent Amended Scheduling Order (use format of the Court's standard scheduling order attached hereto). The parties proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 are attached.

We are unable, after consultation, to agree on a schedule for this case. We, therefore, request a scheduling conference with the Court. The parties proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, is attached. The information required by Local Civil Rule 26.03 is also attached.

PLAINTIFF

DEFENDANT(S)

Signature of Plaintiff's Counsel



Signature of Defendants' Counsel

Printed Name of Plaintiff's Counsel and Party Represented

Christopher L. Murphy for Stephen Nicholson
Printed Name of Defendant's Counsel and Parties Represented.

(11)

FILED

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**DEFENDANT'S ANSWERS TO
LOCAL RULE 26.03**

TO: DONALD B. CLARK, Esquire and THE LAW OFFICES of ROSEN, ROSEN, & HAGOOD, LLC, Attorneys for Plaintiff:

Defendant Stephen Nicholson pursuant to Rule 26.03 of the Local Civil Rules, answer the 26.03 Interrogatories as follows:

1. A short statement of the facts of the case;

Answer: Plaintiff alleges defendant illegally intercepted or assisted others in intercepting its satellite signals based solely on the purchase of a device which has many uses. Defendant has no idea what signals plaintiff alleges it stole or how plaintiff plans to offer proof of an actual theft.

2. The names of fact witnesses likely to be called by the party and a brief summary of their expected testimony;

Answer: Mr. Stephen Nicholson

Defendant will testify he never intercepted or assisted others in intercepting Plaintiff's satellite signals.

3. The names and subject matter of expert witnesses (if no witnesses have been identified, the subject matter and field of expertise should be given as to experts likely to be offered);

Answer: Defendant will retain an expert witness to testify about the many legitimate uses these allegedly illegal devices possess. This expert will also testify the device

alone could not intercept any signals. No experts have been consulted or identified at this time. However, the Defendants reserve the right to name said experts at the appropriate time.

4. A summary of the claims or defenses with statutory and/or case citations supporting the same;

Answer: The defense will be based upon the following statutes:

47 USCA § 605;
18 USCA § 2511;
18 USCA § 2512;
18 USCA § 2520;
Conversion law; and
Rules of Evidence

5. Absent special instructions from the assigned judge, the parties shall propose dates for the following deadlines listed in Local Civil Rule 16.02:

Exchange of Fed. R. Civ. P. 26(a)(2) expert disclosures; and

Completion of discovery.


Answer: Defendant does not anticipate any problems meeting the deadlines set in the Conference and Scheduling Order by the Honorable Judge Robert S. Carr for both the exchange of expert disclosure and completion of discovery.

6. The parties shall inform the Court whether there are any special circumstances which would affect the time frames applied in preparing the scheduling order. See generally Local Civil Rule 16.02(C) (Content of Scheduling Order)

Answer: None.

7. The parties shall provide any additional information requested in the Pre-Scheduling order (Local Civil Rule 16.01) or otherwise requested by the assigned judge.

Answer: None.


CHRISTOPHER L. MURPHY
Federal I.D. #7145
STUCKEY LAW OFFICES, LLC
PO Box 1755
Charleston, SC 29402
(843) 577-9323
Attorneys for Defendant

Charleston, South Carolina

March 12, 2003

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