

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFF HOBBS; ALFRED DOUGLAS
STONE; on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC.; MARK
ZUCKERBERG; GUILLAUME LAMPLE;
JOELLE PINEAU; JOHN DOES 1-100,

Defendants.

Civil Action No. 1:26-cv-04314-PAE

CIVIL CASE
MANAGEMENT PLAN
AND SCHEDULING
ORDER

This Civil Case Management Plan (the “Plan”) is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. The amended complaint presently contemplated by Plaintiffs to be filed on or before September 16, 2026, shall be deemed the operative pleading. Thereafter, amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.
4. Plaintiffs shall serve their initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) by no later than 14 days from the date of this Order. In lieu of serving initial disclosures, Defendants shall provide Plaintiffs with the Rule 26(a)(1) initial disclosures previously served in *Kadrey et al v. Meta Platforms, Inc.*, 3:23-cv-03417-VC (N.D. Cal.), *Entrepreneur Media, LLC v. Meta Platforms, Inc.*, No. 3:25-cv-09579-VC (N.D. Cal.), *Cognella, Inc. v. Meta Platforms, Inc.*, No. 3:26-cv-04053-VC (N.D. Cal.), *Chicken Soup for the Soul, LLC v. Meta Platforms, Inc.*, No. 3:26-cv-02333-VC (N.D. Cal.), and *Cambronne, Inc. et al. v. Meta Platforms, Inc.*, No. 3:26-cv-03725-VC (N.D. Cal.) to the extent those disclosures concern Plaintiffs or their claims. The parties shall meet and confer thereafter concerning whether any supplementation or additional disclosures are appropriate in light of those materials.
5. All fact discovery on Plaintiffs’ individual claims shall be completed no later than eight months from the date of this Order, subject to the Court’s endorsement of the phased

discovery plan described in paragraph 13. If the Court declines to order a phased discovery plan (as described in paragraph 13), the parties will meet and confer on a proposal for a longer cutoff for fact discovery.

6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5 above.
 - a. Initial requests for production of documents to be served by 30 days from the date of this Order.
 - b. Interrogatories to be served by 30 days from the date of this Order.
 - c. Depositions to be completed by the close of fact discovery.
 - d. Requests to Admit to be served no later than 60 days before the close of fact discovery.
7.
 - a. All expert discovery shall be completed no later than 150 days after the close of fact discovery.
 - b. No later than thirty (30) days prior to the date in paragraph 5, *i.e.*, the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) expert report(s) of the party with the burden of proof shall be due before those of the opposing party's expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Rules and Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed. Pursuant to the authority of Fed. R. Civ. P. 16(c)(2), any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto is made in writing within fourteen (14) days of the date in paragraph 5, *i.e.*, the close of fact discovery.
9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
10.
 - a. Counsel for the parties have discussed an informal exchange of information in aid of early settlement of this case and because discovery has not yet commenced the parties believe that further development of the factual and legal record would be beneficial before formal settlement discussions.

- b. Counsel for the parties have not discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately-retained mediator. The parties do not presently propose a specific alternate dispute resolution mechanism and remain open to revisiting ADR as the case develops.
 - c. Counsel for the parties recommend that any alternate dispute resolution mechanism be considered after further development of the factual and legal record, including the initial phase of discovery, and at a time to be determined by the parties and the Court.
 - d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
- 11. The Final Pretrial Order date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Order date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Rules and Practices and Fed. R. Civ. P. 26(a)(3). Any motions in limine shall be filed after the close of discovery on or before the Final Pretrial Order date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed on or before the Final Pretrial Order date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Order date, unless they meet the standard of Fed. R. Civ. P. 51(a)(2)(A). If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on or before the Final Pretrial Order date. However, if any party files a motion for summary judgment in accordance with the Court's Individual Rules, the deadlines in this paragraph are stayed pending resolution of that motion.
- 12. Counsel for the parties have conferred and their present best estimate of the length of trial is to be determined following discovery.
- 13. [Other items, including those in Rule 26(f)(3).]
 - a. Plaintiffs intend to file an amended complaint on or before September 16, 2026, which will supersede the current Complaint and render Defendant Zuckerberg's pending motion to dismiss moot. Defendant Zuckerberg anticipates filing a motion to dismiss in response to the amended complaint.
 - b. The parties have agreed that discovery should proceed pursuant to a phased plan, subject to the Court's determination of the appropriate schedule and the resolution of any venue issues. The initial phase, which shall end eight months from the date of this Order, shall focus on the individual Plaintiffs, including document requests and interrogatories concerning, among other things, the alleged copying, torrenting,

and uploading of copyrighted works, together with production of documents from related matters to the extent they concern Plaintiffs or their claims. Defendants shall also produce discovery previously served and compiled in other pending cases with overlapping claims during this phase. Following the initial phase, the parties will meet and confer concerning a second limited phase of additional discovery and will propose a timeline for that discovery to the Court at the appropriate time.

- c. The parties are conferring concerning ESI and confidentiality. Defendants have provided proposed ESI and confidentiality-order templates, including protocols used in related matters, and Plaintiffs will provide proposed revisions. The parties will meet and confer on whether additional custodians are needed considering the substantial volume of information produced in prior related matters. The parties will assess whether any additional custodians are required considering relevance, reasonableness, proportionality and other rules of discovery. The parties intend to submit a proposed ESI protocol and stipulated protective order in this case on or before November 1, 2026.
- d. A motion to transfer venue is pending in the action *Elsevier, Inc. v. Meta Platforms, Inc.*, Case No. 1:26-cv-03689-PKC (S.D.N.Y.), scheduled for argument on September 15, 2026. If that motion is granted, Defendants have advised Plaintiffs they anticipate moving to transfer this action to the Northern District of California. Plaintiffs believe the action should remain in this Court but will evaluate the issue in light of the Court's ruling in *Elsevier* and the basis for that ruling. The parties' respective positions concerning whether discovery should proceed while any transfer issue is pending are reserved for the Court's determination at the initial conference.
- e. Plaintiffs anticipate moving for class certification and summary judgment at the appropriate time. Meta anticipates moving for summary judgment at the appropriate time. Mr. Zuckerberg also anticipates moving for summary judgment at the appropriate time if his motion to dismiss is not granted.

TO BE COMPLETED BY THE COURT:

The Plan has been reviewed by the Court and, except as modified, is adopted as the Scheduling Order of this Court in accordance with Fed. R. Civ. P. 16(b).

14. [Other]

15. The next Case Management Conference is scheduled for _____ at _____.

Unless otherwise indicated, the Case Management Conference will be held **telephonically**. The parties should call into the Court's dedicated conference line at **(888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key**. Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers.

All conferences with the Court are scheduled for a specific time; there is no other matter scheduled for that time, and counsel are directed to appear promptly. All pretrial conferences must be attended by the attorney who will serve as principal trial counsel.

Please email to EngelmayerNYSDCchambers@nysd.uscourts.gov, no later than twenty-four hours before the conference, the names of any counsel who wish to enter an appearance at the conference, and the number from which each counsel will be calling.

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as noted in paragraph 6) shall be made in a written application in accordance with paragraph 1.E of the Court's Individual Rules and Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.

Paul A. Engelmayer
United States District Judge

Dated: New York, New York
