

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
(AKRON)**

ASK Chemicals, LLC.)	
)	
Plaintiff,)	
)	
)	
v.)	
)	CASE NO. 5:19-cv-01585-BYP
)	JUDGE BENITA Y. PEARSON
)	
Novis Work, LLC.)	
)	
Defendant.)	
)	

SPECIAL MASTER ORDER ON SCHEDULING

During the past several days the Special Master has discussed the particulars of the upcoming *Markman* hearing, including issues of situs, format, witnesses and exhibits. All Federal Courthouses in the Northern District are closed pursuant to the Amended General Order 2020-5 until May 1, at the least. April 8, 2020 was an agreed upon date for a courtroom hearing pursuant to Her Honor’s order of appointment in this case (Dkt. 23).

Having heard the parties positions, and hearing no articulable grounds of prejudice for going forward on April 8, and in light of the further risks and uncertainties of moving the schedule out beyond May 1 for the hearing, It is Hereby Ordered, that the hearing previously set for April 8 shall go forward in electronic format “Zoom Meeting”, or its equivalent, starting at 10:00 am., Eastern Time. Plaintiff shall produce two witnesses Drs. Gotro and Wang. Defendant will present one witness, Dr. Ziegler. After presentation of witnesses, cross examination and redirect (limited) will be conducted. At the conclusion of all testimony, oral argument in summation form will be permitted. I anticipate the hearing to last a total of 4 hours, but the possibility exists for a second

shorter session at a later date, if necessary to complete the hearing and oral argument.

I direct the parties to identify and select a court reporter having the necessary technical capabilities to handle this type of hearing, the costs for which will be shared equally by the parties. Exchange of exhibits, and any objections thereto are subject of previous communication with the Special Master, and those dates remain in place.

Plaintiff's motion to exclude Dr. Ziegler (Dkt. 39), will be held in abeyance pending the conclusion of the hearing particularly given the overlap of substantive issues in the hearing with the request to exclude. The parties shall brief that issue in accordance with the schedule set by the Local Rules. It is so Ordered this 31st day of March, 2020:

/s/Michael W. Vary

Special Master