

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VERIZON MARYLAND, INC. *

Plaintiff *

vs. * CIVIL ACTION NO. MJG-06-1663

MONTGOMERY COUNTY, MARYLAND *

Defendant *

* * * * *

FIRST PROCEDURAL ORDER

For reasons stated on the record of proceedings on August 8,
2006:

1. The Court finds that there is a public interest in the expeditious resolution of the issues presented herein.
2. A Magistrate Judge shall be appointed by separate Order as mediator and facilitator to assist the parties in narrowing and focusing the issues requiring judicial decision and reaching agreement to the extent possible.
3. The Magistrate Judge shall, in so acting, engage in an ongoing series of sessions with the parties and shall, among such other actions as may be appropriate:
 - a. Recommend to the Court an Order regarding such discovery, if any, that shall be permitted.
 - b. Recommend to the Court focused issues (or groups of issues) for resolution in an expedited process.
4. The Court shall be kept advised of the status of the Magistrate Judge's proceedings and shall participate as may be appropriate. However, the Court shall not be advised of any party's settlement position or statements made by parties in confidential sessions at which the Court was not present.

5. Verizon shall file an application for a cable franchise in Montgomery County, which shall not constitute an admission or waiver by Verizon and shall be without prejudice to any legal argument Verizon may raise in these proceedings, and shall not negatively impact the timely resolution of this case. The County's consideration of the application shall be conducted in parallel with judicial proceedings and shall not delay the prompt resolution of this case.
6. The Court shall, sua sponte and/or at the request of any party, arrange a status conference with counsel and the Magistrate Judge.
7. Defendant shall not respond to the pending Motion for Summary Judgment, but shall respond with respect to specific issues as shall be provided by further Order.

SO ORDERED, on Wednesday, August 9, 2006.

/ s /
Marvin J. Garbis
United States District Judge