

- 2) NAR's Motion to Dismiss, Doc. No. 193, is GRANTED-IN-PART and DENIED-IN-PART. Count III, alleging a violation of the California UCL, is DISMISSED WITH PREJUDICE. Discovery will proceed as to Counts II and IV of the Second Amended Counterclaims against NAR;
- 3) MRIS's Motion to Dismiss Counts II and IV will be treated as a motion for summary judgment. If AHRN does not seek limited discovery in an attempt to raise a genuine issue of material fact in opposition to MRIS's Motion, it shall notify the Court within SEVEN (7) DAYS of the date of this Order;
- 4) If AHRN seeks discovery in support of an opposition to MRIS's Motion, the parties shall immediately proceed to limited discovery on the issue of whether MRIS uses CoreLogic software to arrange the MRIS Database. The parties shall adhere to the following deadlines in conducting this limited discovery:
 - a. The parties shall immediately confer and, within SEVEN (7) DAYS of the date of this Order, submit a joint report describing the scope of the limited discovery. If the parties cannot agree as to the scope of this discovery, the joint report shall address each party's position as to what discovery is sufficient for AHRN to have an opportunity to present facts in support of its opposition. The Court will issue a ruling as to the scope of limited discovery upon receipt of the parties' joint report;
 - b. Within FORTY-FIVE (45) DAYS of the date of this Order, limited discovery shall be completed and AHRN shall file, if it wishes, a supplemental brief and evidence in opposition to MRIS's Motion;
 - c. MRIS shall have, if it wishes, FOURTEEN (14) DAYS from the date of AHRN's filing to file responsive briefing;

- d. Any motions for modification of the limited discovery schedule shall be supported by good cause.
- 5) Pursuant in part to the Court's August 2, 2013 Order, Doc. No. 190, all parties shall, within FOURTEEN (14) DAYS of the date of this Order, confer and submit a joint proposed scheduling order to the Court which shall include all relevant deadlines for discovery and the filing of dispositive pretrial motions on MRIS's claims against AHRN and AHRN's counterclaims against NAR. To the extent AHRN's remaining counterclaims against MRIS survive MRIS's Motion following the period of limited discovery outlined above, the Court will permit the parties to move for appropriate modifications of the scheduling order; and
- 6) The Court shall TRANSMIT a copy of this Order to all counsel of record.

November 1, 2013

Date

/s/

Alexander Williams, Jr.
United States District Judge