

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL KATZ and MICHAEL KATZ, as	:	CIVIL ACTION
Administrators of the Estate of	:	
Sarah Katz, Deceased	:	
	:	
v.	:	
	:	
PANERA BREAD COMPANY and	:	
PANERA, LLC	:	NO. 23-4135

ORDER

NOW, this 4th day of September, 2024, upon consideration of the defendants’ Trial Status Report (Doc. No. 109), which we shall treat as a motion to amend our August 26, 2024 Order listing this case for trial on October 7, 2024, it is **ORDERED** that the motion is **DENIED**.

IT IS FURTHER ORDERED that the parties shall be prepared to proceed with the final pretrial conference on October 2, 2024 and the trial on October 7, 2024 as scheduled.¹



TIMOTHY J. SAVAGE, J.

¹ After the Rule 16 pretrial conference on November 14, 2023, this case was scheduled for trial to proceed on September 12, 2024. ECF Docket No. 16. Six days later, lawyers of the law firm Shook, Hardy & Bacon entered their appearances for defendants. ECF Docket No. 17. On December 11, 2023, Marc Miles and Kristy Schlesinger of the Shook, Hardy & Bacon firm moved for admission *pro hac vice*. ECF Docket Nos. 24, 25. The motions were granted.

On November 7, 2023, the court in a California case in which Mr. Miles and Ms. Schlesinger are trial counsel, *Hubert Hansen Intellectual Property Trust v. The Coca-Cola Company*, Case No. 37-2016-00021046-CU-MC-CTL, scheduled a six-week trial which started on August 26, 2024. At the time Mr. Miles and Ms. Schlesinger moved for *pro hac vice* admission, they knew of the scheduling conflict and did not disclose it. Had we known that they would not be available to participate in the trial of this case as scheduled, we would have declined to grant them *pro hac vice* admission.

Defense counsel are advised to have a Shook, Hardy & Bacon defense team ready to proceed with the final pretrial conference on October 2, 2024 and the trial on October 7, 2024, with or without Mr. Miles and Ms. Schlesinger.