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16 NOVARTIS PHARMACEUTICALS CORPORATION

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19
20 JOHN STEWART,
21
22 Plaintiff,

23 vs.

24 NOVARTIS PHARMACEUTICALS
CORPORATION,
25 Defendant.

CASE NO: 1:12-cv-00221-AWI-DLB

**ORDER REGARDING JOINT
SCHEDULING REPORT REGARDING
DISCOVERY MEET
AND CONFER**

Date: August 22, 2012
Time: 9:30 a.m.
Courtroom: 9
Judge: The Hon. Dennis L. Beck

Complaint filed: April 13, 2011

1 Following the Joint Discovery Conference between plaintiff John Stewart (“plaintiff”) and
2 defendant Novartis Pharmaceuticals Corporation (“NPC”) on August 22, 2012, before this Court,
3 it is HEREBY ORDERED:

4 **DISCOVERY PLAN:**

5 To the extent the parties’ prior agreements regarding discovery are memorialized in the
6 Joint Scheduling Report [Docket No. 36] and/or the Joint Discovery Report [Docket 43], and/or
7 to the extent certain discovery issues were the subject of this Court’s prior Scheduling Order
8 [Docket 39], this Order does not alter those agreements or that Order.

9 **A. Initial Disclosures**

10 If a responding party fails to timely serve a fact sheet, or serves a fact sheet that is timely
11 but not complete in all material aspects, this Court declines NPC’s request that the issuing party
12 be allowed to seek an Order to Show Cause within fifteen days after service of a deficiency letter.
13 Instead, the Court will permit the issuing party to file the appropriate discovery motion regarding
14 any outstanding deficiencies.

15 **B. Subjects on Which Discovery May Be Needed**

16 Discovery will be bifurcated between liability and damages, so that if there are witnesses
17 who are anticipated to testify solely on damages related issues, those depositions will proceed
18 after dispositive motions have been heard and ruled upon.

19 **C. Changes to Limitations on Discovery**

20 To the extent plaintiff wishes to propound written discovery upon NPC, the parties shall
21 first meet and confer. If following that meet-and-confer the parties cannot reach an agreement,
22 the parties may involve the Court. The Court further orders that each party is limited to
23 conducting ten (10) non-party depositions. If a party believes that further depositions are needed,
24 the parties shall meet and confer. If following that meet-and-confer the parties are unable to
25 reach an agreement, the parties may involve the Court.

26 1. Ex Parte Contacts

27 The Court declines plaintiff’s request to enter an order barring NPC from having ex parte
28 contacts with treating physicians or health care providers. The Court suggests that to the extent

1 NPC believes substantive contact with treating physicians or health care providers are necessary,
2 that such contacts occur with both parties' participation.

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4 IT IS SO ORDERED.

5 Dated: October 9, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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