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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA, and  
12 STATE OF CALIFORNIA, ex rel. BRENT  
BAILEY, EMILY WADE, and RICHARD  
13 ROE,

14 Plaintiffs,

15 v.

16 GATAN, INC., ROPER INDUSTRIES,  
INC., and DOES 1 through 100, Inclusive,

17 Defendants.  
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Case No. 2:12-CV-0106 MCE CKD

**STIPULATION AND ORDER  
CONTINUING DEFENDANTS'  
DISCOVERY CUTOFF**

19 **STIPULATION AND ORDER CONTINUING DEFENDANTS' DISCOVERY CUTOFF**

20 Relators Brent Bailey and Emily Wade and Defendants Gatan, Inc. ("Gatan") and  
21 Roper Industries, Inc. ("Roper") hereby stipulate to the following:

22 WHEREAS, the Court's Pretrial Scheduling Order, dated August 28, 2013, scheduled  
23 the discovery cutoff in this action as May 16, 2014.

24 WHEREAS, from December 2013 until the present, Counsel for Relators has been  
25 unavailable to participate in any significant tasks related to this case, including scheduling and  
26 attending the depositions of witnesses, due to the need to care for his minor daughter who is  
27 suffering from a serious health condition.  
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1 WHEREAS, Defendant Gatan, Inc. properly served notices to take the depositions of  
2 six witnesses between March 18 and April 8, 2014, including notices to take the depositions of  
3 Relator Brent Bailey on March 18, 2014 and Relator Emily Wade on March 21, 2014, but Counsel  
4 for Relators was unable to appear for those depositions and cancelled those depositions because of  
5 his need to care for his daughter.

6 NOW, THEREFORE, the parties stipulate and respectfully request that the Court  
7 order the following:

8 1. Defendants' deadline for taking depositions and for having any dispute related  
9 to non-expert discovery resolved, and any order concerning discovery obeyed, shall be continued to  
10 July 15, 2014, which the parties realize will be extended to August 14, 2014, if Relators' motion for  
11 90-day continuance of the discovery cut-off, trial, and other key dates is granted.

12 2. Relators and Counsel for Relators shall appear for their depositions, and  
13 Counsel for Relators shall appear at depositions of other witnesses that are properly noticed by  
14 Defendants, so long as Defendants provide at least two weeks' notice for the deposition of Relator  
15 Emily Wade. The parties shall, in good faith, attempt to schedule these depositions on dates that are  
16 convenient for the parties, counsel, and the witnesses, and as soon as their respective calendars  
17 reasonably permit.

18 3. With the exception of issuance of subpoenas to third parties solely for  
19 production of documents (and not for oral testimony), Relators may not take any depositions before  
20 Defendants have completed the depositions of those witnesses for whom Defendants have issued  
21 deposition notices and/or deposition subpoenas as of the date of this Stipulation. Those witnesses  
22 are: Brent Bailey, Emily Wade, Venugopal Ranganathan, Anatoly Katsev, Paul Green, and John  
23 Olson. Notwithstanding this limitation, if, for reasons beyond the control of Relators or Relators'  
24 counsel, one or more of such listed depositions remains uncompleted as of May 16, 2014, Relators  
25 after such date may proceed to take such depositions so long they are taken by the later of June 30,  
26 2014 or such longer continued discovery cutoff date as may be ordered by the Court, and so long as  
27 such depositions are permitted by the Federal Rules of Civil Procedure.

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1 Dated: March \_\_\_, 2014

LITTLER MENDELSON, P.C.

3 By: \_\_\_\_\_

4 ERIC C. BELLAFRONTO  
5 NICOLAS T. KELSEY  
6 Attorneys for Defendants  
7 GATAN, INC. and ROPER INDUSTRIES,  
8 INC.

7 Dated: March \_\_\_, 2014

9 \_\_\_\_\_  
10 DANIEL BARTLEY  
11 BARTLEY LAW OFFICES  
12 Attorney for Relators  
13 UNITED STATES OF AMERICA, and  
14 STATE OF CALIFORNIA, ex rel. BRENT  
15 BAILEY, EMILY WADE, and RICHARD  
16 ROE

14 **ORDER**

15 The preceding stipulation, ECF No. 36, having been reviewed and approved by the  
16 Court, IT IS ORDERED that:

17 1. Defendants' deadline for taking depositions and for having any dispute related  
18 to non-expert discovery resolved, and any order concerning discovery obeyed, shall be continued to  
19 July 15, 2014;

20 2. Relators and Counsel for Relators shall appear for their depositions, and  
21 Counsel for Relators shall appear at depositions of other witnesses that are properly noticed by  
22 Defendants, so long as Defendants provide at least two weeks' notice for the deposition of Relator  
23 Emily Wade. The parties shall, in good faith, attempt to schedule these depositions on dates that are  
24 convenient for the parties, counsel, and the witnesses, and as soon as their respective calendars  
25 reasonably permit;


26 3. With the exception of issuance of subpoenas to third parties solely for  
27 production of documents (and not for oral testimony), Relators may not take any depositions before  
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1 Defendants have completed the depositions of those witnesses for whom Defendants have issued  
2 deposition notices and/or deposition subpoenas as of the date of this Stipulation. Notwithstanding  
3 this limitation, if, for reasons beyond the control of Relators or Relators' counsel, one or more of  
4 such listed depositions remains uncompleted as of May 16, 2014, Relators after such date may  
5 proceed to take such depositions so long they are taken by the later of June 30, 2014 or such longer  
6 continued discovery cutoff date as may be ordered by the Court, and so long as such depositions are  
7 permitted by the Federal Rules of Civil Procedure; and

8 4. The parties are ORDERED to specifically address in their subsequent briefing  
9 on Relators'/Plaintiffs' Motion to Continue Discovery Cutoff, Trial, and Other Key Dates, ECF  
10 No. 34, how this stipulation and Order impacts Plaintiffs' Motion, should it be granted. The briefing  
11 schedule for Plaintiffs' Motion, ECF No. 34, is set forth in Local Rule 230(c), (d).

12 IT IS SO ORDERED.

13 Dated: April 2, 2014

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15 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
16 UNITED STATES DISTRICT COURT  
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