

1 document production involved, on December 31, 2014 the Court, pursuant to a joint stipulation
2 submitted by the parties, issued an Amended Pretrial Scheduling Order which extended various
3 pretrial deadlines and reset the trial date to April 25, 2016;

4 **WHEREAS**, this is a complex case involving multiple claims and counter-claims, dozens
5 of potential fact witnesses and experts, and which will require each side to spend significant time
6 analyzing a voluminous amount of information before trial, including source code and other
7 electronic materials;

8 **WHEREAS**, since the issuance of the Amended Pretrial Scheduling Order, the parties
9 have worked diligently towards completing written discovery, which has enabled them to engage
10 in a good faith settlement effort. The parties participated in formal mediation at Judicate West in
11 San Francisco on May 4, 2015, which was conducted by The Honorable John (Leo) Wagner
12 (Ret.). Both sides submitted and exchanged mediation briefs in advance and two Copart
13 representatives traveled from Dallas, Texas and two Lightmaker representatives traveled from
14 Orlando, Florida to attend the mediation;

15 **WHEREAS**, the case was not settled during the May 4, 2015 mediation session but the
16 parties have continued their settlement dialogue. Judge Wagner issued a mediator's proposal after
17 the May 4 session, which prompted further discussions between the parties. Such discussions are
18 ongoing, as the parties continue to meet and confer over whether a resolution can be achieved.

19 **WHEREAS**, the parties have suspended all depositions which were duly noticed and
20 scheduled to commence June 8, 2015, with the hopes that the substantial time and expense that
21 would be incurred preparing for, traveling to, and taking and defending these depositions might be
22 avoided if the matter resolves. The parties stipulate and agree that they are unable to
23 simultaneously exhaust settlement efforts and engage in costly and time-intensive depositions;

24 **WHEREAS**, the Amended Pretrial Scheduling Order includes a July 2, 2015 discovery
25 cut-off and an August 13, 2015 deadline for expert disclosures;

26 **WHEREAS**, the parties are especially reluctant to expend further time and resources
27 litigating the action under these circumstances and while they are seriously evaluating the merits
28 of pre-trial resolution;

1 **WHEREAS**, the parties have acted with diligence in trying to adhere to the current pretrial
2 deadlines but are making this request to the Court for modification of the current scheduling order
3 because absent an extension, the parties will have no choice but to immediately commence
4 depositions and have experts work in earnest on their respective Rule 26 Reports;

5 **WHEREAS**, neither party will be prejudiced by a three-month continuance of the current
6 trial date and related pretrial deadlines; and

7 **WHEREAS**, there has been one previous request that the Court amend the scheduling
8 order to extend the fact discovery deadline, expert disclosure deadline, and dispositive motion
9 deadline; this is the first time the parties have asked the Court to continue the trial date.

10 **NOW THEREFORE**, the parties, through their respective counsel, jointly propose and
11 stipulate to the following:

12 The deadlines in the Amended Pretrial Scheduling Order previously set forth by the Court
13 shall be revised as follows, or set on such other dates as the Court determines:

<u>Event</u>	<u>Current Date</u>	<u>Proposed New Date</u>
Fact Discovery Cut-Off Date	July 2, 2015	October 29, 2015
Expert Disclosures and Reports	August 13, 2015	December 10, 2015
Rebuttal Expert Disclosures	September 2, 2015	December 30, 2015
Dispositive Motion Hearing Cut-Off	November 19, 2015	March 10, 2016
Final Pre-Trial Conference	February 25, 2016	June 16, 2016
Trial	April 25, 2016	August 15, 2016

22 IT IS FURTHER STIPULATED and AGREED between the parties that all other
23 provisions of the Amended PreTrial Scheduling Order of December 31, 2014 shall remain in
24 effect. This Stipulation may be signed in counterparts and any facsimile or electronic signature
25 shall be valid as an original signature.

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28 IT IS SO STIPULATED.

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DATED: June 11, 2015

LERMAN POINTER & SPITZ LLP

By: /s/ *Curtis P. Holdsworth* (authorized on 6/2/15)
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COPART, INC.

DATED: June 11, 2015

PORTER SCOTT
A PROFESSIONAL CORPORATION

By: /s/ *Kevin M. Kreutz*
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1 **ORDER**

2 **FOR GOOD CAUSE SHOWN**, and pursuant to the Stipulation of the parties, the
3 deadlines in the Scheduling Order previously set forth by the Court are revised as follows:
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<u>Event</u>	<u>Date Per Original Scheduling Order</u>	<u>Extended Date Per Amended Scheduling Order</u>
5 Fact Discovery Cut Off Date	July 2, 2015	October 29, 2015
6 Expert Disclosures and Reports:	August 13, 2015	December 10, 2015
7 Rebuttal Expert Disclosures	September 2, 2015	December 30, 2015
8 Dispositive Motion Hearing Cut-Off	November 19, 2015	March 10, 2016
9 Final Pre-Trial Conference	February 25, 2016	June 16, 2016
10 Jury Trial	April 25, 2016	August 15, 2016

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17 **IT IS SO ORDERED.**

18 **Dated: June 11, 2015**

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22 Troy L. Nunley
United States District Judge