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19 **UNITED STATES DISTRICT COURT**
 20 **EASTERN DISTRICT OF CALIFORNIA**

21 SYNTHES, INC. AND DEPUY SYNTHES
 SALES, INC.,

22 Plaintiffs / Counterclaim-Defendants,

23 vs.

24 GREGORY KNAPP,

25 Defendant / Counterclaim-Plaintiff.
 26

Case No. 2:13-cv-02261-MCE-DAD

**STIPULATED ORDER
 AMENDING PRETRIAL
 SCHEDULING ORDER**

1 WHEREAS, on September 4, 2014, the Court entered a Pretrial Scheduling
2 Order (the “Scheduling Order”), scheduling a fact discovery deadline of April 22,
3 2015 (ECF No. 41);

4 WHEREAS, on January 29, 2015, DePuy Synthes filed its Motion to Compel
5 Production of Documents from Third-Party K2M, Inc. (the “Motion”), which is
6 noticed to be heard on February 20, 2015. (ECF No. 46);

7 WHEREAS, on February 3, 2015, all parties and third-party K2M met and
8 conferred regarding rescheduling depositions in this matter until after resolution of
9 DePuy Synthes’ Motion;

10 WHEREAS this is the first request for an extension of any deadlines in the
11 Scheduling Order;

12 WHEREAS, the parties’ request for an extension of the fact discovery deadline
13 will not affect any other deadlines in the Scheduling Order;

14 NOW, THEREFORE, the parties STIPULATE and AGREE to amend the
15 Order to extend the deadline for fact discovery as follows: (i) if the Court denies the
16 Motion, then fact discovery will be extended until sixty days from the date of that
17 Order; or (ii) if the Court grants the Motion, then fact discovery will be extended until
18 eighty days¹ from the date of that Order. If any party or non-party objects to or seeks
19 reconsideration of the Magistrate Judge’s Findings and Recommendations pursuant to
20 Local Rules 303 or 304, then these deadlines will be tolled until such objections or
21 requests for reconsideration are resolved.

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¹ The additional twenty (20) days of discovery corresponds to the amount of time that would be afforded to K2M, Inc. if the Court grants the relief requested in the proposed order accompanying DePuy Synthes’ Motion. (ECF No. 46-1)

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IT IS SO STIPULATED:

BLANK ROME LLP

SEGAL & ASSOCIATES, P.C.

By: /s/ Scott F. Cooper
Anthony B. Haller
Howard M. Knee
Scott F. Cooper
Andrew B. Cohen

By: /s/ John T. Kinn
John T. Kinn

THE MCSHEA LAW FIRM

*Attorneys for Plaintiffs Synthes, Inc. and
DePuy Synthes Sales, Inc.*

By: /s/ John P. McShea
John P. McShea

Attorneys for Defendant Gregory Knapp

IT IS SO ORDERED:

DATED: FEBRUARY 12, 2017



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