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

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

23 Plaintiffs / Counterclaim-Defendants,

24 vs.

25 GREGORY KNAPP,

26 Defendant / Counterclaim-Plaintiff.

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 "Order"), scheduling a fact discovery deadline of April 22, 2015 (ECF No.
3 41);

4 WHEREAS, on February 13, 2015, the Court entered a Stipulation and Order to
5 extend the discovery deadline once the Court ruled on DePuy Synthes' then pending
6 Motion to Compel Production of Documents from Third-Party K2M, Inc. (ECF No.
7 49);

8 WHEREAS, on March 6, 2015, the Court granted DePuy Synthes' Motion
9 (ECF 28) and the deadline for fact discovery was extended eighty (80) days to May
10 25, 2015;

11 WHEREAS, on May 11, 2015, the parties met and conferred regarding
12 completing the remaining fact discovery;

13 WHEREAS, the parties are unable to take necessary depositions before May 25,
14 2015 due to scheduling conflicts;

15 WHEREAS, the parties require an extension of the deadline for fact discovery;

16 NOW, THEREFORE, the parties STIPULATE and AGREE to amend the
17 Order to extend all deadlines sixty (60) days as follows:

- 18 (i) fact discovery shall be completed by July 24, 2015;
- 19 (ii) expert witnesses shall be designated no later than August 21, 2015;
- 20 (iii) the last day to hear dispositive motions shall be December 28, 2015;
- 21 (iv) the Final Pretrial Conference shall occur on March 7, 2016 at 2:00 p.m.;
- 22 (v) the Joint Final Pretrial Conference Statement shall be filed no later than
23 February 16, 2016;
- 24 (vi) trial briefs shall be filed no later than February 22, 2016;
- 25 (vii) all evidentiary or procedural motions shall be filed by February 16, 2016;
- 26 (viii) oppositions to evidentiary or procedural motions shall be filed by
27 February 23, 2016;
- 28

(ix) any replies to evidentiary or procedural motions shall be filed by March 1, 2016;

(x) trial is set for April 22, 2016 at 9:00 a.m.

IT IS SO STIPULATED.

BLANK ROME LLP

SEGAL & ASSOCIATES, P.C.

By: /s/ Scott F. Cooper

By: /s/ John T. Kinn

Anthony B. Haller

John T. Kinn

Howard M. Knee

Scott F. Cooper

THE MCSHEA LAW FIRM

Andrew B. Cohen

By: /s/ John P. McShea

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

John P. McShea

Attorneys for Defendant Gregory Knapp

ORDER

Having read the foregoing stipulation, and good cause appearing, the pretrial discovery deadline and other related dates in the Order are hereby continued.

However, based on the Court's availability, the requested dates are modified as follows:

1 Fact discovery shall be completed by February 12, 2016;

2 Expert witnesses shall be designated no later than April 13, 2016;

3 The last day to hear dispositive motions shall be August 18, 2016;

4 The Final Pretrial Conference shall occur on December 15, 2016 at 2:00 p.m., Courtroom 7;

5 The Joint Final Pretrial Conference Statement shall be filed no later than November 23, 2016;

6 Trial briefs shall be filed no later than December 1, 2016;

///

7 All evidentiary or procedural motions shall be filed by November 23,
2016;


8 Oppositions to evidentiary or procedural motions shall be filed by
December 1, 2016;

9 Any replies to evidentiary or procedural motions shall be filed by
December 8, 2016;

10 Trial is set for February 13, 2017, at 9:00 a.m., in Courtroom 7.

IT IS SO ORDERED.

Dated: June 3, 2015


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