

1 David C. Phillips (SBN 032611)
 dcp@phillaw.com
 2 PHILLIPS, ERLEWINE & GIVEN LLP
 50 California Street, 35th Floor
 3 San Francisco, California 94111
 Tel: (415) 398-0900
 4 Fax: (415) 398-0911

5 Steven M. Cowley (*Pro Hac Vice*)
 scowley@eapdlaw.com
 6 Thomas H. Wintner (*Pro Hac Vice*)
 twintner@eapdlaw.com
 7 EDWARDS ANGELL PALMER & DODGE, LLP
 8 111 Huntington Avenue
 Boston, Massachusetts 02199
 9 Tel: (617) 239-0100
 Fax: (617) 227-4420

10
 11 Attorneys for Plaintiffs
 Boston Telecommunications Group, Inc.
 12 and Roderick Marshall

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16

17
 18 BOSTON TELECOMMUNICATIONS
 GROUP, INC. and
 19 RODERICK MARSHALL

CASE NO. C02-5971 JSW

20 Plaintiffs,

**STIPULATION AND ORDER
 MODIFYING FACT DISCOVERY
 DEADLINE**

21 v.

22 ROBERT WOOD

Defendant.

23
 24 The parties, by their undersigned counsel, hereby agree to extend the fact discovery
 25 deadline from February 28, 2011 to April 18, 2011. As grounds for this change in deadline, the
 26 parties state as follows:

27 1) The depositions of the parties, Plaintiff Roderick Marshall and Defendant Robert
 28 Wood, were conducted on February 1 and 2, respectively.

1 2) During these depositions it became clear that the parties still have a dispute about
2 the scope of documents to be produced by Mr. Wood, along with the scope of any corresponding
3 privilege log. During the deposition of Mr. Wood, the parties discussed some of these issues by
4 teleconference with Magistrate Judge Beeler. The parties are currently attempting to resolve
5 these discovery disputes in accord with the suggestions of Magistrate Beeler. However, this
6 process may take several more weeks, especially owing to the fact that current counsel only
7 recently entered an appearance, and thus until recently did not have access to all of prior
8 counsel's files relating to this case.

9 3) The documents and privilege log in dispute have potentially important
10 ramifications both for the case generally as well as for third-party depositions that may be
11 required to help clarify them. A short extension of the discovery deadline would allow for these
12 third-party depositions to occur, should they be necessary.

13 4) In addition, Mr. Marshall is in discussions with non-party Deloitte Touche
14 Tohmatsu ("DTT") about the scope of DTT's production and privilege log. (Mr. Wood was a
15 partner with one or more of DTT's member firms in Central Europe.) Any discovery disputes
16 between Mr. Marshall and DTT or any other Deloitte entities, if they cannot be mutually
17 resolved, will likely have to be resolved in the Southern District of New York, the court from
18 which the DTT subpoenas issued. A short extension of the discovery deadline will hopefully
19 allow for the timely resolution of any discovery disputes that may remain between Mr. Marshall
20 and DTT or its member firms.

21 5) The discovery extension will thus be limited to further discovery relating to (a)
22 the documents and issues raised during Mr. Wood's deposition, including privilege log issues;
23 (b) the documents and issues raised in conjunction with the subpoenas issued by Mr. Marshall to
24 DTT and/or its member firms; and (c) any third-party depositions that have been noticed but not
25 yet completed, including those of DTT, Deloitte LLP, and Abraham Zimmerman.

26 6) In agreeing to a change of the fact discovery cut-off from the current deadline of
27 February 28, 2011 to the new deadline of April 18, 2011, the parties do not anticipate that any of
28 the other tracking order deadlines will need to be changed. In other words, the expert discovery

1 cut-off date can remain as May 6, 2011, the dispositive motions hearing date on June 3, 2011,
2 the pretrial conference date on September 6, 2011, and so on.

3
4
5 **IT IS SO STIPULATED.**

6 Dated: February 25, 2011

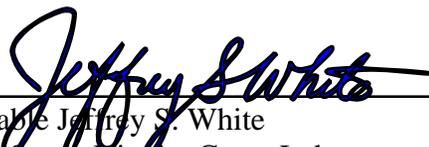
7
8 /s/
9 Steven M. Cowley (Pro Hac Vice)
EDWARDS ANGELL PALMER & DODGE LLP

/s/
Lidia S. Stiglich
STIGLICH & HINKLEY LLP
Attorneys for Defendant

10 David C. Phillips
PHILLIPS ERLEWINE & GIVEN LLP
11
12 Attorneys for Plaintiffs
Boston Telecommunications Group, Inc.
and Roderick Marshall
13

14
15 **IT IS SO ORDERED:**

16
17 Dated: February 28, 2011

18 
19 Honorable Jeffrey S. White
United States District Court Judge
20
21
22
23
24
25
26
27
28