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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THERASENSE, INC.,
Plaintiff,

v.

BECTON, DICKINSON AND COMPANY,
Defendant.

No. C 04-02123 WHA

Consolidated with

No. C 04-03327 WHA
No. C 04-03732 WHA
No. C 05-03117 WHA

AND CONSOLIDATED CASES.

**ORDER RE SELECTION OF
SPECIAL MASTER**

When the parties had not agreed upon a special master by the deadline specified, the court went ahead and lined up a special master. In light of the notice received that all parties have agreed on the Honorable Eugene Lynch of JAMS, by **DECEMBER 1, 2008, AT NOON**, counsel shall submit a form of reference order to Judge Lynch in a form acceptable to him that lays out the guidelines in the Court's order re attorney's fees and costs dated August 21, 2008. The proposed form of reference order should specify a completion date no later than **FEBRUARY 6, 2009**. This completion day is important given how long the attorney's fees process has taken thus far and the importance of bringing the entire case to a close as promptly as possible. The proposed form of reference order should not be executed since the Court may adjust the proposed language but it should be in a form acceptable to Judge Lynch. Please have conversations with Judge Lynch only when all parties are represented. By this order, the Court

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thanks Judge Lynch in advance for his willingness to serve. After the form of reference order is approved by the Court it shall be executed by all counsel and Judge Lynch.

IT IS SO ORDERED.

Dated: November 14, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE