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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAJOHN OSANITSCH,
Plaintiff,

v.

MARCONI PLC, et al.,
Defendant.

No. CV 05-3988 CRB

**ORDER GRANTING MOTION TO
EXTEND EXPERT DEADLINES**

Currently before this Court are Defendants' motions to extend expert deadlines and to shorten time. As to the motion to extend expert deadlines, this Court finds the motion to be suitable for determination on the papers. Therefore, the hearing is VACATED and the motion to shorten time is moot.

This Court previously granted a motion to extend expert deadlines. See Dkt. 98. Now that the summary judgment hearing has been continued, Defendants again ask that the expert deadlines also be pushed back. However, according to Plaintiff's counsel, Plaintiff has already disclosed his expert witness as required by the original – now vacated – scheduling order. See Dkt. 119. Plaintiff argues that a further continuance would prejudice him. Nonetheless, when Plaintiff made such a disclosure he was aware that a motion to extend the deadlines was pending in this Court. Moreover, that disclosure did not include the expert's written report. In light of this fact, this Court concludes that Plaintiff will not be prejudiced

1 by a further extension of expert deadlines.

2 Therefore, the motion to extend deadlines is GRANTED. The parties with the burden
3 of proof shall exchange initial expert reports on December 11, 2009. The parties shall
4 exchange expert rebuttal reports no later than January 15, 2010. Expert discovery will close
5 on January 29, 2010.

6 Defendants' motion to shorten time is therefore moot.

7 **IT IS SO ORDERED.**

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10 Dated: November 10, 2009

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE