

1 Bingham McCutchen LLP
 2 WILLIAM F. ABRAMS (SBN 88805)
 3 william.abrams@bingham.com
 4 DAVID S. CANNON (SBN 209501)
 5 david.cannon@bingham.com
 6 KRISTEN A. PALUMBO (SBN 215857)
 7 kristen.palumbo@bingham.com
 8 ERIN A. SMART (SBN 246288)
 9 erin.smart@bingham.com
 10 1900 University Avenue
 11 East Palo Alto, CA 94303-2223
 12 Telephone: 650.849.4400
 13 Facsimile: 650.849.4800

9 Attorneys for Defendant
 10 Hewlett-Packard Company

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 MMCA GROUP LTD., a Virginia corporation,
 16 Plaintiff,
 17 v.
 18 HEWLETT-PACKARD COMPANY, a
 19 Delaware corporation, PICA CORPORATION,
 20 an Ohio corporation,
 21 Defendants.

No. C-06-7067 MMC (EMC)

STIPULATION AND ~~PROPOSED~~
 ORDER CHANGING DEADLINES

[Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1,
 6-2, 7-1, 7-12]

[No Hearing Required]

Judge: Hon. Maxine M. Chesney

1 I. INTRODUCTION

2 Plaintiff MMCA Group Ltd. (“MMCA”) and defendants Hewlett-Packard
3 Company (“HP”) and PICA Corporation (“PICA”) respectfully submit this stipulation and
4 [proposed] order pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1, 6-
5 2, 7-1, and 7-12 requesting that the Court extend the deadlines in the June 9, 2008 Amended
6 Pretrial Preparation Order (Docket 255) as follows:

7 Non-Expert Discovery Cutoff	April 30, 2009 (currently October 17, 8 2008)
9 Expert Designations	May 21, 2009 (currently November 7, 10 2008)
11 Rebuttal Expert Designations	June 4, 2009 (currently November 21, 12 2008)
13 Expert Discovery Cutoff	June 25, 2009 (currently December 12, 14 2008)
15 Dispositive Motions Cutoff	July 23, 2009 (currently January 9, 2009)
16 Pretrial Conference Date	September 28, 2009 (currently March 17, 17 2009)
18 Jury Trial Date	October 13, 2009 (currently March 30, 19 2009)

20 The parties are available for a Further Status Conference to discuss this proposed
21 schedule and the issues below on September 26 or October 3, 2009, if the Court so requests.

22 II. BACKGROUND

23 In May, 2009, the parties agreed that discovery could not be completed under the
24 then current schedule. On June 9, 2008 the Court granted the parties’ request for an extension of
25 the case schedule. Docket 255. Further delays -- most related to document production issues --
26 have since developed.

27 First, on June 25, 2008 PICA and former defendants Pinkerton Consulting &
28

1 Investigations, Inc. and Business Risks International, Ltd. moved for a protective order
2 preventing HP from producing documents they claimed were confidential.¹ Docket 264.
3 Resolution of this issue required extensive meet and confer efforts, court intervention and an
4 order requiring blanket “Attorney’s Eyes Only” (“AEO”) designation under the applicable
5 Protective Order for the vast majority of HP’s documents (plus provision of additional security
6 procedures). Docket 287, 309. HP has since produced these documents (with the AEO
7 designations and security measures in place) and has produced over 20,000 documents in total.
8 Declaration of Erin A. Smart in Support of Stipulated Request to Extend Deadlines (“Smart
9 Decl.”) ¶ 2. The parties agree that many of the documents subject to the blanket AEO
10 designation may not qualify as AEO and that extensive meet and confer efforts may be necessary
11 to de-designate them to “Confidential” status. HP is also reviewing a further set of documents
12 and anticipates completing its production from this set by September 30. *Id.*

13 Second, on June 23, 2008 HP notified MMCA that MMCA’s document
14 production contained privileged material of both MMCA and HP. Smart Decl., ¶ 3. HP ceased
15 review of MMCA’s production and requested the other receiving parties do the same. *Id.*
16 Meanwhile, MMCA re-reviewed its production for privilege. On September 19, 2008, HP
17 received a list of the documents MMCA believes are MMCA privileged in its prior production,
18 and a list of the documents that MMCA believes HP would assert are HP privileged in its prior
19 production. Smart Decl. ¶ 4. HP will shortly begin its review of the remaining material in
20 MMCA’s production. MMCA has indicated that meet and confer efforts will be required
21 regarding the documents it believes HP would assert are HP privileged, that follow-up work to
22 de-designate certain of those documents from privileged status may be required, and that there
23 are approximately 8,000 such documents in MMCA’s prior production. MMCA also has
24 additional documents it expects to produce in the coming weeks.

25

26 _____
27 ¹ MMCA, PICA, and PC&I/BRI are investigative services companies who have worked for HP
28 in various regions of the world. Throughout these relationships, HP and the other parties
exchanged confidential and/or privileged information, some of which is relevant to this litigation.

1 PICA produced documents on May 15, 2008. Smart Decl. ¶ 5. Counsel for
2 MMCA and for PICA are meeting and conferring about the sufficiency of PICA's production.
3 MMCA has indicated that motion practice may be necessary with respect to PICA's production.
4 PICA disagrees. PICA has also indicated that it may also move to compel on interrogatory
5 responses received from MMCA.

6 No depositions have yet occurred as document productions are not complete.
7 Smart Decl. ¶ 6. The parties expect to need at least four to six weeks after document productions
8 have been completed to prepare for depositions as tens of thousands of documents will have been
9 produced. Smart Decl. ¶ 7. The parties have agreed to a general schedule of depositions with
10 those of MMCA witnesses starting in December or January, followed by depositions of
11 defendants' witnesses and then any necessary follow-up depositions. Based on the documents
12 produced thus far, the parties believe there will be need for depositions of foreign witnesses,
13 which will require additional time to effectuate service and otherwise comply with international
14 agreements governing such depositions in foreign countries.

15 III. GOOD CAUSE EXISTS TO GRANT THE REQUESTED
16 ENLARGEMENT OF TIME

17 Under the current schedule the parties cannot complete discovery by the October
18 17, 2008 cutoff. The parties have made significant progress but need further time to complete
19 document productions and related issues. The parties have created the above proposed schedule
20 to allow them to complete document productions and then depositions -- including numerous
21 possible foreign depositions -- in an orderly manner. Granting the parties' requested extension
22 will allow this and will facilitate resolution of this case upon the merits.

23 IV. CONCLUSION

24 For the reasons discussed above the parties respectfully request the Court adjust
25 the schedule in this case as follows:
26
27
28

1 Non-Expert Discovery Cutoff April 30, 2009
2 Expert Designations May 21, 2009
3 Rebuttal Expert Designations June 4, 2009
4 Expert Discovery Cutoff June 25, 2009
5 Dispositive Motions Cutoff July 23, 2009
6 Pretrial Conference Date September 28, 2009
7 Jury Trial Date October 13, 2009

8

9 DATED: September 19, 2008

10

By: _____
/s/ William F. Abrams

11

William F. Abrams
BINGHAM MCCUTCHEN LLP
1900 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 849-4400
Facsimile: (650) 849-4800

12

13

14

Attorneys for Defendant
HEWLETT-PACKARD COMPANY

15

16

DATED: September 19, 2008

17

18

By: _____

Donald S. Simon
WENDEL, ROSEN, BLACK & DEAN, LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Telephone: (510) 834-6600
Facsimile: (510) 808-4687

19

20

21

22

Attorneys for Defendant
PICA CORPORATION

23

24

25

26

27

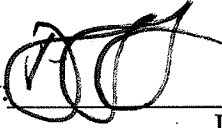
28

1 Non-Expert Discovery Cutoff April 30, 2009
2 Expert Designations May 21, 2009
3 Rebuttal Expert Designations June 4, 2009
4 Expert Discovery Cutoff June 25, 2009
5 Dispositive Motions Cutoff July 23, 2009
6 Jury Trial October 13, 2009

7
8 DATED: September 19, 2008

9 By: _____
10 William F. Abrams
11 BINGHAM MCCUTCHEN LLP
12 1900 University Avenue
13 East Palo Alto, CA 94303
14 Telephone: (650) 849-4400
15 Facsimile: (650) 849-4800
16
17 Attorneys for Defendant
18 HEWLETT-PACKARD COMPANY

19 DATED: September 19, 2008

20 By:  _____
21 Donald S. Simon
22 WENDEL, ROSEN, BLACK & DEAN, LLP
23 1111 Broadway, 24th Floor
24 Oakland, CA 94607
25 Telephone: (510) 834-6600
26 Facsimile: (510) 808-4687
27
28 Attorneys for Defendant
PICA CORPORATION

1 DATED: September 19, 2008

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: 

Thomas Marc Litton
LITTON & GEONETTA, LLP
120 Montgomery Street, Suite 1600
San Francisco, CA 94104
Telephone: (415) 421-4770
Facsimile (415) 421-4785

Attorneys for Plaintiff
MMCA GROUP, LTD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

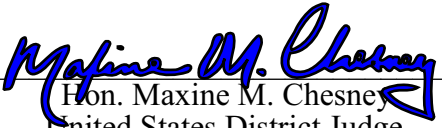
~~Proposed~~ Order Extending Deadlines

IT IS HEREBY ORDERED that the schedule in the case is modified as follows:

Non-Expert Discovery Cutoff	April 30, 2009
Expert Designations	May 21, 2009
Rebuttal Expert Designations	June 4, 2009
Expert Discovery Cutoff	June 25, 2009
Dispositive Motions ^{Filing} Cutoff	July 23 ²⁴ , 2009
Pretrial Conference Date	September 28 ²⁹ , 2009
Jury Trial Date	October 13 ¹⁹ , 2009

PURSUANT TO STIPULATION, IT IS SO ORDERED. as amended. No further modifications of the trial/pretrial schedule will be granted in the absence of a court appearance.

Dated: September 23, 2008



 Hon. Maxine M. Chesney
 United States District Judge