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6 Attorneys for Defendant
 7 Biomet, Inc.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 EDWARD J. BORACCHIA and
 12 BORACCHIA & ASSOCIATES

13 Plaintiffs,

14 v.

15 BIOMET, INC.

16 Defendant.

Case No. C 07 0650 MMC

**STIPULATION AND ~~PROPOSED~~
 ORDER MODIFYING PRETRIAL
 PREPARATION ORDER**

17
 18 WHEREAS, the Court issued its Pretrial Preparation Order on January 25, 2010,
 19 establishing discovery, motion, pretrial, and trial dates in this matter;

20 WHEREAS, the Parties have been engaged in additional discovery efforts, including
 21 scheduling depositions, propounding and responding to written discovery, and meeting and
 22 conferring in order to address various discovery disputes;

23 WHEREAS, due to the number of issues in this action and their complexity, as well as the
 24 parties' simultaneous efforts to engage in substantive settlement discussions, additional time is
 25 necessary in order to allow for discovery, adequate preparation for trial, and sufficient evaluation
 26 of the substantive issues in dispute;

27 NOW THEREFORE IT IS HEREBY STIPULATED by and among Plaintiffs EDWARD
 28 J. BORACCHIA and BORACCHIA & ASSOCIATES, and Defendant BIOMET, INC., that the

1 dates set forth in the Court's Pretrial Preparation Order, dated January 25, 2010, shall be modified
2 as follows:

3		
4	NON-EXPERT DISCOVERY CUTOFF	August 13, 2010 [June 4, 2010]
5	DESIGNATION OF EXPERTS – INITIAL	August 30, 2010 [June 30, 2010]
6	DESIGNATION OF EXPERTS – REBUTTAL	September 16, 2010 [July 16, 2010]
7	EXPERT DISCOVERY CUTOFF	October 8, 2010 [Aug. 13, 2010]
8	DISPOSITIVE MOTIONS	October 15, 2010 [Sept. 10, 2010]
9		

10 Good cause exists for these modifications because the additional time will allow the
11 parties to engage in all of the discovery necessary to adequately prepare for trial and to participate
12 in meaningful settlement discussions. Moreover, the proposed modifications will provide the
13 necessary time to complete required discovery yet still ensure that the action proceeds in a timely
14 manner and in keeping with the Court's original trial schedule.

15 Although the parties have proposed modifications to several pretrial dates, the dates for
16 trial, as well as for the Pretrial Conference and associated Meet and Confer, and for the Further
17 Status Conference and associated Status Conference Statement, remain unchanged. Accordingly,
18 the proposed modifications will not impact the overall scheduling of the case, and should have
19 little if any impact on the Court's calendar.

20 Finally, the parties have not requested any prior modifications to the January 25, 2010,
21 Pretrial Preparation Order.

22 DATED: May 24, 2010

DOWNEY BRAND LLP

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25 By: /s/ Elizabeth B. Stallard

ELIZABETH B. STALLARD
Attorneys for Defendant
Biomet, Inc.

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DATED: May 24, 2010

KRAMER AND KRAMER

By: /s/ Barbara Kramer
BARBARA KRAMER
Attorney for Plaintiffs
Edward J. Boracchia and Boracchia & Associates

ORDER

Having considered the parties' stipulated request to modify the Pretrial Preparation Order filed in this matter on January 25, 2010, and GOOD CAUSE appearing therefore, the Court hereby orders the following:

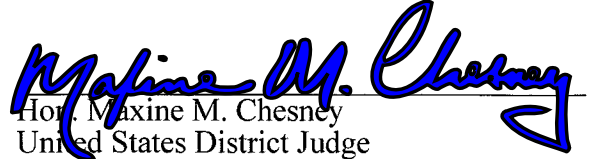
- 1. The parties' request to modify the Pretrial Preparation Order is GRANTED;
- 2. The deadlines in the Pretrial Preparation Order are modified as follows:

NON-EXPERT DISCOVERY CUTOFF	August 4, 2010
DESIGNATION OF EXPERTS – INITIAL	August 30, 2010
DESIGNATION OF EXPERTS – REBUTTAL	September 16, 2010
EXPERT DISCOVERY CUTOFF	October 8, 2010
DISPOSITIVE MOTIONS	October 15, 2010

3. All other dates in the Pretrial Preparation Order, filed January 25, 2010, are unchanged.

IT IS SO ORDERED.

DATED: May 25, 2010


Hon. Maxine M. Chesney
United States District Judge