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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION
 14

15 SECURITIES AND EXCHANGE
 16 COMMISSION,

17 Plaintiff,

18 v.

19 MERCURY INTERACTIVE, LLC (F/K/A/
 20 MERCURY INTERACTIVE, INC.),
 21 AMNON LANDAN, DOUGLAS SMITH,
 and SUSAN SKAER,

22 Defendants.
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Case No. 3:07-cv-02822 WHA (JSC)

**[PROPOSED] ORDER GRANTING
 SUPPLEMENTAL DISCOVERY AND
 BRIEFING ON DEFENDANTS'
 MOTION FOR DISCOVERY
 SANCTIONS**

Date: TBD
 Time: TBD
 Dept: Courtroom F, 15th Floor
 Judge: Hon. William J. Alsup
 Magistrate: Hon. Jacqueline S. Corley

Trial Date: December 10, 2012

1 On May 10, 2012, defendants Amnon Landan, Douglas Smith, and Susan Skaer brought a
2 Motion for Discovery Sanctions pursuant to Federal Rules of Civil Procedure 26 and 37 and the
3 inherent authority of the Court. (Dkt. 212). The SEC filed an Opposition on May 24, 2012.
4 (Dkt. 217). Defendants' filed a Reply on May 31, 2012. (Dkt. 222).

5 On June 7, 2012, the Court heard oral argument and agreed to continue the hearing to
6 allow defendants to conduct additional discovery and the parties to submit supplemental briefing
7 in light thereof. Good cause appearing, the Court hereby orders the following supplemental
8 discovery and supplemental briefing:

9 1. Defendants shall be afforded the opportunity, at any time within two (2) weeks
10 from the date of this Order, to take the deposition or such other appropriate discovery of the
11 persons most knowledgeable at Davis Polk & Wardwell LLP ("DPW") regarding DPW's
12 productions of the Unproduced and Missing Documents to the SEC, any purported request to
13 delete, return, or otherwise dispose of such Documents, and communications with the SEC
14 regarding those subjects.

15 2. The supplemental briefing schedule shall be as follows. Within two (2) weeks
16 after the completion of the aforementioned discovery, defendants may submit a supplemental
17 brief not to exceed 10 pages of text. Within 7 days following submission of the defendants'
18 supplemental brief, the SEC may submit any supplemental brief in opposition not to exceed 10
19 pages of text.

20 The hearing shall then be continued to the first available Thursday following completion
21 of the above-mentioned briefing, but in no event, barring unforeseen circumstances, shall the
22 hearing occur later than August 2, 2012. The Court will notify the parties if oral argument is not
23 required.

24 **IT IS SO ORDERED.**

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26 Dated: June 12, 2012

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HONORABLE JACQUELINE S. CORLEY
UNITED STATES MAGISTRATE JUDGE