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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 JAMES BRADY, SARAH CAVANAGH, and
 14 IVA CHIU, individually and on behalf of all
 others similarly situated,

15 Plaintiffs,

16 v.

17 DELOITTE & TOUCHE LLP, a limited liability
 18 partnership; and DOES 1-10, inclusive,

19 Defendants.

Case No. C-08-00177-SI

**STIPULATION REGARDING
 APPLICABILITY OF AMENDED
 RULE 26**

Dept.:
 Judge: Honorable Susan Illston

Action Filed: January 10, 2008

1 The parties to this action recognize that amendments to the Federal Rules of Civil
2 Procedure effective December 1, 2010, have modified the requirements of Rule 26 with respect to
3 communications, disclosures, and other matters relating to experts. The Supreme Court's Order
4 amending Rule 26 and dated April 28, 2010, indicates that the amendments shall govern
5 proceedings pending as of December 1, 2010, "insofar as just and practicable." See United States
6 Supreme Court Order Amending Federal Rules of Civil Procedure, dated April 28, 2010. In order
7 to remove doubt as to whether and when the 2010 amendments shall apply to the present action,
8 and to provide that a single standard shall apply commencing as of the date of the filing of the
9 original complaint, the parties have entered into this stipulation.

10 Therefore, it is hereby stipulated and agreed by and between the parties, through their
11 respective counsel, that the current provisions of Federal Rule of Civil Procedure 26, as amended
12 December 1, 2010, (including without limitation the provisions relating to communications with
13 experts) shall apply fully to the present action, commencing as of the date of filing of the original
14 complaint.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16 Dated: May 2, 2011

LINDA E. SHOSTAK
JAMES E. BODDY, JR.
MARY F. HANSBURY
MORRISON & FOERSTER LLP

19 By: /s/ James E. Boddy, Jr.
20 JAMES E. BODDY, JR.

21 Attorneys for Defendant
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22 Dated: May 2, 2011

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25 By: /s/ William A. Baird
26 WILLIAM A. BAIRD

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