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 MERLE SCOTT

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

15 BILL A DUFFY, INC., a California
 16 corporation d/b/a BDA SPORTS
 MANAGEMENT,

17 Plaintiff,

18 vs.

19 MERLE SCOTT,

20 Defendant

Case No. 3:08-cv-00878-EDL

[E-Filing]

**STIPULATED REQUEST FOR ORDER
 CHANGING DISCOVERY DEADLINES
 AND [PROPOSED] ORDER
 AS AMENDED**

1 Plaintiff, Bill A. Duffy, Inc (“Duffy”) and Defendant, Merle Scott (“Scott”) (collectively
2 the “Parties”), in accordance with Local Rule 6-2, respectfully moves this Court for an order
3 changing certain discovery deadlines outlined in the Court’s Case Management and Pretrial Order
4 for Trial. Specifically, the parties request that the time for initial expert disclosures be extended
5 up through and including December 8, 2008; the time for rebuttal expert disclosures be extended
6 up through including December 22, 2008; and that the cutoff for non-expert discovery be
7 extended up through and including February 17, 2008. A declaration in support of this motion is
8 attached hereto as Exhibit A.

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10 Dated: September 8, 2008.

Respectfully submitted,

11 SQUIRE, SANDERS & DEMPSEY L L P.

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13 By: /s/ Mia B. Fraser
Mia B. Fraser, Esq

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15 *Attorneys for Defendant*
MERLE SCOTT

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Dated: September 8, 2008

BROWN, HALL, SHORE & MCKINLEY

By: 

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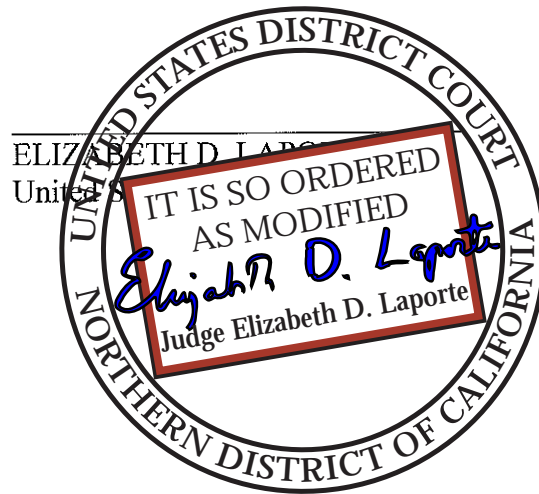
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[PROPOSED] ORDER

The Parties' Stipulated Request for Court Order Changing Discovery Deadlines is GRANTED. The Discovery deadlines set by the Court are modified as follows: initial expert disclosures shall be made no later than December 8, 2008; rebuttal expert disclosures shall be made no later than December 22, 2008; ~~and all non-expert discovery shall be completed no later than February 17, 2008.~~ The parties shall be prepared to discuss other deadlines at the September 30, 2008

Further case management conference and in their joint case management
IT IS SO ORDERED. statement.

Dated: September 9, 2008



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9 *Attorneys for Defendant*

10 MERLE SCOTT

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

14 BILL A. DUFFY, INC , a California
15 corporation d/b/a BDA SPORTS
16 MANAGEMENT,

Plaintiff,

17 vs.

18 MERLE SCOTT,

19 Defendant.
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Case No. 3:08-cv-00878-EDL

[E-Filing]

**DECLARATION OF MIA BURROUGHS
FRASER IN SUPPORT OF STIPULATED
REQUEST FOR ORDER CHANGING
DISCOVERY DEADLINES**

- 21 1. My name is Mia Burroughs Fraser, Esq. I am an attorney practicing at Squire,
22 Sanders and Dempsey L.L.P. I, along with Robert C.L. Vaughan and Michelle M.
23 Full, represent Defendant, Merle Scott ("Scott") in this matter.
- 24 2. On May 22, 2008, the Court issued its Case Management and Pretrial Order for
25 Trial Dkt. No. 30. That Order provided that initial expert disclosures were to be
26 submitted by September 8, 2008; rebuttal expert disclosures were to be submitted
27 no later than September 22, 2008; and set an overall non-expert discovery cut-off

28 DECLARATION OF MIA BURROUGHS FRASER IN
SUPPORT OF STIPULATED REQUEST FOR ORDER
CHANGING DISCOVERY DEADLINES

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date of November 17, 2008.

3. Subsequent to that Order the Court extended the time to attend mediation from August 22, 2008 until November 24, 2008. Dkt. No. 42. The parties requested that modification, in part, to allow for the completion of basic discovery prior to mediation.
4. The parties are still in the process of responding to and exchanging basic discovery and Mediation is now set for November 20, 2008.
5. Accordingly the parties request that the Court modify the discovery deadlines as follows:
 - a. Initial expert disclosures shall be made no later than December 8, 2008;
 - b. Rebuttal expert disclosures shall be made no later than December 22, 2008; and
 - c. All non-expert discovery shall be completed no later than February 17, 2008.
6. The parties would be substantially harmed and prejudiced if the dates are not changed as they would have to incur the cost of retaining experts prior to mediation and will not have ample time to meet complete discovery by the original cut-off date.
7. The only previously requested time modification affecting any date or deadline fixed by the Court is the motion to continue the mediation hearing which was granted by the Court. Dkt. No. 42.

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8. Accordingly, the Parties' respectfully requests that the discovery deadlines be modified as requested herein. This would allow the parties to attend mediation without having to incur the costs of retaining experts and provide ample time to complete all necessary non-expert discovery. This request would not modify any other date set by this court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 8, 2008, in Miami, Florida.

/s/ Mia Burroughs Fraser, Esq.

Mia Burroughs Fraser, Esq.