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11 Attorneys for Defendant  
 12 AMERICAN MEDICAL SYSTEMS, INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO – ECF PROGRAM

18 ELLEN AMBROFF and TERRY  
 19 AMBROFF,

20 Plaintiffs,

21 v.

22 AMERICAN MEDICAL SYSTEMS, INC.,  
 and DOES ONE through TWENTY-FIVE,  
 23 inclusive,

24 Defendants.

CASE NO. C08-04289 JL

**STIPULATION AND ~~(PROPOSED)~~  
 ORDER TO MODIFY PRE-TRIAL  
 ORDER**

**Civ.L.R. 7-12**

25  
 26 This Stipulation is entered into between plaintiffs Ellen Ambroff and Terry Ambroff, by  
 27 and through their counsel of record, Hersh & Hersh, and defendant American Medical Systems,

28 Kenney  
 &  
 Markowitz  
 L.L.P.

1 Inc., by and through its counsel of record, Kenney & Markowitz, L.L.P. The parties stipulate as  
 2 follows:

3 1. On June 29, 2009, this Court issued its first Case Management and Pretrial Order in  
 4 this case with a trial date of December 6, 2010, and other dates set by the Court accordingly,  
 5 including a factual discovery cut-off date of April 5, 2010;

6 2. On November 3, 2009, the plaintiffs requested that AMS provide  
 7 employees/officers for several depositions pursuant to Rule 30(b)(6) of the Federal Rules of Civil  
 8 Procedure;

9 3. On January 9, 2010, defendant provided plaintiff with the dates of January 27, 28  
 10 and 29, 2010 for the Rule 30(b)(6) depositions in Minnesota. On January 15, 2010, plaintiffs  
 11 served their notices of depositions by mail accompanied by several requests for production of  
 12 documents to AMS;

13 4. AMS objected to plaintiffs' deposition notices because they gave less than 30 days  
 14 notice as required by Rule 34 of the Federal Rules of Civil Procedure. The parties dispute the  
 15 notice requirements for depositions that are accompanied by requests for production of documents.  
 16 However, the parties have agreed to postpone the depositions in order for AMS to respond to the  
 17 requests for production of documents prior to the depositions. To provide additional time for  
 18 discovery, with the Court's permission, the parties also stipulate to an extension of the discovery  
 19 cut-off date and accompanying dates within the Pretrial Order dated June 29, 2009;

20 5. For good cause, the parties stipulate to and respectfully request that the Court  
 21 continue the discovery dates within Pretrial Order and accompanying dates as follows;

22 DISCOVERY

23 Non-Expert Discovery Cutoff	June 4, 2010
24 Designation of Plaintiffs' Experts with Reports	July 9, 2010
25 Designation of Defendant's Experts with Reports	July 23, 2010
26 Designation of Rebuttal Experts with Reports	August 6, 2010
27 Expert Discovery Cutoff	September 3, 2010

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Kenney  
&  
Markowitz  
L.L.P.

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DISPOSITIVE MOTIONS

Last Day to hear Case Dispositive Motions November 24, 2010

PRETRIAL CONFERENCE

Final Pretrial Conference at 11:00AM January 19, 2011

TRIAL DATE

Jury Trial to begin at 9:00AM January 31, 2011

DATED: February 1, 2010

**KENNEY & MARKOWITZ L.L.P**

By: /s/ Samantha D. Hilton  
KEN M. MARKOWITZ  
SAMANTHA D. HILTON  
Attorneys for Defendant  
AMERICAN MEDICAL SYSTEMS,  
INC.

DATED: February 1, 2010

**HERSH AND HERSH**

By: /s/ Amy Eskin  
AMY ESKIN  
Attorneys for Plaintiffs  
ELLEN AMBROFF AND TERRY  
AMBROFF

**Kenney  
&  
Markowitz  
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**[PROPOSED] ORDER**

Pursuant to the parties' stipulation and request for modification of the Court's Case Management Order and Pretrial Order, the following schedule shall apply to this case:

**DISCOVERY**

Non-Expert Discovery Cutoff	June 4, 2010
Designation of Plaintiffs' Experts with Reports	July 9, 2010
Designation of Defendant's Experts with Reports	July 23, 2010
Designation of Rebuttal Experts with Reports	August 6, 2010
Expert Discovery Cutoff	September 3, 2010

**DISPOSITIVE MOTIONS**

Last Day to hear Case Dispositive Motions	November 24, 2010
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**PRETRIAL CONFERENCE**

Final Pretrial Conference at 11:00AM	January 19, 2011
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**TRIAL DATE**

Jury Trial to begin at 9:00AM	January 31, 2011
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**IT IS SO ORDERED.**

DATED: February 3, 2010




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JAMES LARSON  
UNITED STATES MAGISTRATE JUDGE

**Kenney  
&  
Markowitz  
L.L.P.**