

1 KENNETH G. HAUSMAN (No. 57252)
 JOHN P. DUCHEMIN (No. 250501)
 2 HOWARD RICE NEMEROVSKI CANADY
 FALK & RABKIN
 3 A Professional Corporation
 Three Embarcadero Center, 7th Floor
 4 San Francisco, California 94111-4024
 Telephone: 415/434-1600
 5 Facsimile: 415/217-5910

6 Attorneys for Plaintiff
 MALTZ ASSOCIATES, L.P.

7 WILLIAM GOINES
 8 CINDY HAMILTON
 GREENBERG TRAUIG, LLP
 9 1900 University Avenue, 5th Floor
 East Palo Alto, California 94303
 10 Telephone: 650/328-8500
 Facsimile: 650/328-8508

11 Attorneys for Defendant
 12 HEWITT ASSOCIATES LLC

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN
 A Professional Corporation

16 MALTZ ASSOCIATES, L.P. ,
 17 Plaintiff,
 18 v.
 19 HEWITT ASSOCIATES LLC,
 20 Defendant.

No. C 08-04626-VRW
 Action Filed: October 6, 2008
 STIPULATION AND ~~PROPOSED~~
 ORDER RE PLAINTIFF'S MOTION-
 TO-COMPEL DEADLINE

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1 It is stipulated by and between Plaintiff Maltz Associates, L.P. (“MALP”) and
2 Defendant Hewitt Associates LLC (“Hewitt”), through their counsel of record, that (1)
3 Plaintiff MALP’s time to file a letter with the Court requesting leave to file a motion to
4 compel fact discovery shall be extended to seven court days after counsel for MALP
5 receives the complete transcript of the FRCP 30(b)(6) deposition of Hewitt, and (2) if leave
6 is granted, the motion shall be filed within ten days thereafter.

7 The above stipulation is made based on the facts set forth below:

8 Fact discovery cutoff in this case was May 15, 2009, and expert discovery cutoff is
9 May 29, 2009;

10 MALP sent a letter to the Court on March 11, 2009, requesting leave to file a motion to
11 compel discovery responses from Hewitt;

12 At a telephone conference between the Court and counsel on March 25, 2009, that
13 motion was postponed pending the outcome of mediation;

14 The April 28, 2009, mediation did not result in a settlement;

15 Following the mediation, the parties continued their discussions regarding discovery
16 issues raised in MALP’s March 11, 2009, letter to the Court requesting leave to file a motion
17 to compel, and other discovery issues that have arisen since that letter;

18 MALP agreed to Hewitt’s request to have until May 22 and then until May 29, 2009, to
19 provide further documents, logs and other materials in response to MALP’s discovery
20 requests;

21 MALP’s FRCP 30(b)(6) deposition of Hewitt (the “Hewitt deposition”) initially was
22 scheduled for May 15, 2009, but has been rescheduled pursuant to the parties’ joint
23 agreement to June 25, 2009;

24 Civil Local Rule 26-2 states that “[w]here the Court has set separate deadlines for fact
25 and discovery, no motions to compel fact discovery may be filed more than 7 court days
26 after the fact discovery cut-off, and no motions to compel expert discovery may be filed
27 more than 7 court days after the expert discovery cut-off.”

28 Based on the above, MALP and Hewitt hereby stipulate that (1) Plaintiff MALP’s time

1 to file a letter with the Court requesting leave to file a motion to compel fact discovery shall
2 be extended to seven court days after counsel for MALP receives the complete transcript of
3 the FRCP 30(b)(6) deposition of Hewitt, and (2) if leave is granted, the motion shall be filed
4 within ten days thereafter.

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6 DATED: May 26, 2009.

Respectfully,

7 KENNETH G. HAUSMAN
8 JOHN P. DUCHEMIN
9 HOWARD RICE NEMEROVSKI CANADY FALK
& RABKIN
A Professional Corporation

10 By: /s/ Kenneth G. Hausman
11 KENNETH G. HAUSMAN

12 Attorneys for Plaintiff MALTZ ASSOCIATES, L.P.

13 DATED: May 26, 2009.

WILLIAM GOINES
CINDY HAMILTON
GREENBERG TRAURIG, LLP

15 By: /s/ William Goines
WILLIAM GOINES

16 Attorneys for Defendant HEWITT ASSOCIATES
17 LLC

18 ATTESTATION

19 I, Kenneth G. Hausman, am the ECF User whose identification and password are being used
20 to file this Stipulation And [Proposed] Order For Leave To File Amendment To Complaint. In
21 compliance with General Order 45.X.B, I hereby attest that William Goines has concurred in this
22 filing.

23 DATED: May 26, 2009.

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN, A Professional Corporation

25 By: /s/ Kenneth G. Hausman
KENNETH G. HAUSMAN

26 Attorneys for Plaintiff MALTZ ASSOCIATES,
27 L.P.

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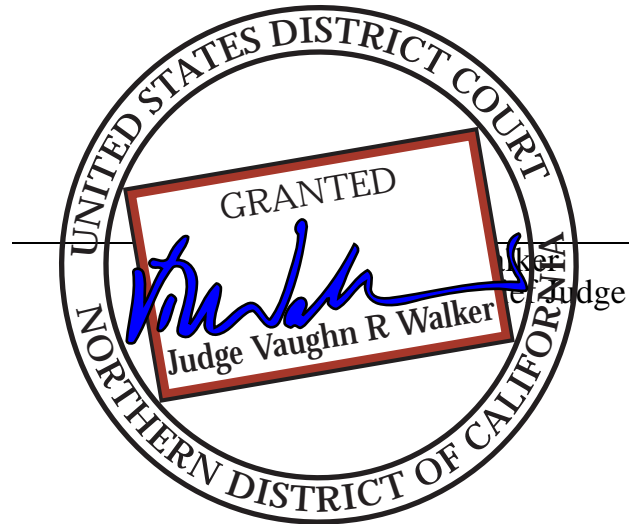
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ORDER

Based on the Stipulation of the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED) that (1) Plaintiff MALP's time to file a letter with the Court requesting leave to file a motion to compel fact discovery shall be extended to seven court days after counsel for MALP receives the complete transcript of the FRCP 30(b)(6) deposition of Hewitt, and (2) if leave is granted, the motion shall be filed within ten days thereafter.

DATED: 5/29/2009



HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

1 PROOF OF SERVICE BY MAIL

2 I, Myrna DaCunha, declare:

3 I am employed in the City and County of San Francisco, State of California. I am over
4 the age of eighteen (18) years and not a party to the within action; my business address is
5 Three Embarcadero Center, Seventh Floor, San Francisco, California 94111-4024.

6 I am readily familiar with the practice for collection and processing of documents for
7 mailing with the United States Postal Service of Howard Rice Nemerovski Canady Falk &
8 Rabkin, A Professional Corporation, and that practice is that the documents are deposited
9 with the United States Postal Service with postage fully prepaid the same day as the day of
10 collection in the ordinary course of business.

11 On May 26, 2009, I served the following document(s) described as **STIPULATION**
12 **AND [PROPOSED] ORDER RE PLAINTIFF'S MOTION-TO-COMPEL DEADLINE** on the
13 persons listed below by placing the document(s) for deposit in the United States Postal
14 Service through the regular mail collection process at the law offices of Howard Rice
15 Nemerovski Canady Falk & Rabkin, A Professional Corporation, located at Three
16 Embarcadero Center, Seventh Floor, San Francisco, California, to be served by mail
17 addressed as follows:

18 Gregory J. Casas, Esq.
19 Greenberg Traurig, LLP
20 1000 Louisiana Street, Suite 1700
Houston , TX 77002

21 I declare under penalty of perjury under the laws of the United States that the foregoing
22 is true and correct. Executed at San Francisco, California on May 26, 2009.

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25 _____
Myrna DaCunha
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