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 NOTEWARE DEVELOPMENT LLC and JIM NOTEWARE

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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION  
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12 ERIC RIMES,  
 13 Plaintiff,  
 14 v.  
 15 NOTEWARE DEVELOPMENT LLC, and  
 JIM NOTEWARE,  
 16 Defendants.  
 17

Case No. CV 09-0281 EMC

**STIPULATION TO AMEND SECOND  
 AMENDED CASE MANAGEMENT  
 AND PRETRIAL ORDER AND ORDER  
 ORDER**

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 19 It is hereby stipulated by and between the parties to the above matter, by and through  
 20 their counsel of record that the Second Amended Case Management and Pretrial Order for Jury  
 21 Trial issued by the Court shall be amended as follows:

- 22 1. The parties shall have until November 30, 2010 to complete non-expert discovery.
- 23 2. There is no stay on the depositions of non-expert witnesses. Subject to the  
 24 deadline in item 1 above, the parties may take the deposition(s) of non-expert witnesses without  
 25 first obtaining a court order.
- 26 3. The parties shall be limited to four non-expert depositions per side but may seek  
 27 court order permitting additional non-expert depositions for good cause shown.  
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1           3.     The parties shall be limited to four non-expert depositions per side but may seek  
2 court order permitting additional non-expert depositions for good cause shown.

3           4.     The deposition of defendant JIM NOTEWARE, individually or in his capacity as  
4 a representative of defendant NOTEWARE DEVELOPMENT, LLC, shall be taken in Houston,  
5 Texas or telephonically, at plaintiff's options. Defendants shall not be responsible for any  
6 expenses incurred by plaintiff for travel or otherwise related to taking the deposition of JIM  
7 NOTEWARE in Houston, Texas or telephonically.

All other dates remain the same as stated  
in the Second Amended CMC Order  
filed on 7/30/10. The 8/25/10 status  
conference is hereby vacated.

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9 Dated: August 23, 2010

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11 EDWARD M. CHEN  
12 United States Magistrate Judge

