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7 Attorneys for Plaintiff,  
 E-PASS TECHNOLOGIES, INC.

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 10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

ROSEN ♦ SABA, LLP  
 468 NORTH CAMDEN DRIVE, 3RD FLOOR  
 BEVERLY HILLS, CALIFORNIA 90210

13 E-PASS TECHNOLOGIES, INC., a  
 Delaware Corporation,

14 Plaintiff,

15 vs.

16 MOSES & SINGER, LLP, a New  
 York Limited Partnership;  
 17 STEPHEN N. WEISS, ESQ., an  
 Individual; and DOES 1 through 50,  
 18 inclusive,

19 Defendants.  
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Case No. 3:09-cv-05967-EMC  
*Honorable Edward M. Chen*

**STIPULATION BY AND BETWEEN  
 PLAINTIFF AND DEFENDANTS  
 REGARDING EXPERT REPORTS AND  
 DISCOVERY; [Proposed] ORDER**

Complaint Filed: December 21, 2009  
 Trial Date: February 4, 2013

1                   **TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR**  
2                   **COUNSEL OF RECORD HEREIN:**

3                   (1)    WHEREAS, on November 10, 2011, the Court issued a First Amended  
4 Case Management and Pretrial Order for Jury Trial. [USDC Docket #130.] Part of  
5 this Order established a non-expert discovery cut-off date of August 24, 2012, and  
6 an expert discovery cut-off date of October 5, 2012. Additionally, this Order  
7 required the parties to exchange opening expert reports by August 24, 2012, and  
8 rebuttal expert reports by September 14, 2012.

9                   (2)    WHEREAS, Defendants desire to conduct the deposition of third party  
10 witness Michael Cooper in Seattle, Washington, but due to scheduling, his  
11 deposition could not be completed at a mutually convenient time prior to  
12 August 24, 2012.

13                  (3)    WHEREAS, the counsel for the parties and Mr. Cooper are available  
14 for his deposition to commence on August 27, 2012, in Seattle, Washington.  
15 Additionally, the deposition of third party witness Richard Brass is scheduled to  
16 commence on August 24, 2012, in Friday Harbor, Washington. Defendants agree  
17 to permit Plaintiff's counsel to attend and ask questions at both depositions in  
18 person and/or by Skype or telephone from Los Angeles.

19                  (4)    WHEREAS, the deposition testimony of Mr. Cooper and Mr. Brass  
20 may be necessary for certain expert witnesses to rely upon, and so the parties desire  
21 to continue the date to exchange expert witness reports from August 24, 2012, until  
22 September 4, 2012. Additionally, the parties desire to continue the date for the  
23 exchange of rebuttal expert reports from September 14, 2012, to September 25,  
24 2012. The parties also desire to continue the expert discovery cut-off date from  
25 October 5, 2012, until October 16, 2012.

26                  (5)    WHEREAS, the parties agree not to use the extensions of time  
27 provided for in this Stipulation as a reason to request a trial continuance in the  
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Dated: August 21, 2012

**DUANE MORRIS, LLP**

By: /s \_\_\_\_\_  
RICHARD D. HOFFMAN, ESQ.  
ROBERT M. FINEMAN, ESQ.  
Attorneys for Defendant,  
MOSES & SINGER, LLP

Dated: August 21, 2012

**LONG & LEVIT, LLP**

By: /s \_\_\_\_\_  
JOSEPH MCMONIGLE, ESQ.  
Jessica R. MacGregor, ESQ.  
Attorneys for Defendant,  
STEPHEN N. WEISS

**Proposed ORDER**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD  
HEREIN:**

The Court received and reviewed the Stipulation by and between Plaintiff and Defendants regarding Expert Reports and Discovery [USDC Docket # \_\_\_\_.]

After consideration of the Stipulation, and good cause appearing, the Court orders as follows:

(A) The non-expert discovery cut-off deadline shall remain as August 24, 2012, except that the deposition of Michael Cooper may proceed on August 27, 2012, in Seattle, Washington.

(B) Plaintiff's counsel is permitted to attend and ask questions at the deposition of Richard Brass on August 24, 2012, in Friday Harbor, Washington, and at the deposition of Michael Cooper on August 27, 2012, in Seattle, Washington, in person and/or by Skype or telephone from Los Angeles.

(C) The date to exchange opening expert reports shall be continued from August 24, 2012, until September 4, 2012.

(D) The date to exchange rebuttal expert reports shall be continued from September 14, 2012, to September 25, 2012.

(E) The expert discovery cut-off date shall be continued from October 5, 2012, until October 16, 2012.

(F) The parties shall not use the extensions of time provided for in this Order as a reason to request a trial continuance in the future.

**IT IS SO ORDERED.**

Date: 08/24/2012

By:

