

1 JAMES R. ROSEN, ESQ. (State Bar No. 119438)
 jrosen@rosensaba.com
 2 RYAN D. SABA, ESQ. (State Bar No. 192370)
 rsaba@rosensaba.com
 3 LAURA L. CABLE, ESQ. (State Bar No. 278432)
 lcable@rosensaba.com
 4 **Members of ROSEN ♦ SABA, LLP**
 468 North Camden Drive, Third Floor
 5 Beverly Hills, California 90210
 Telephone: (310) 285-1727
 6 Facsimile: (310) 285-1728

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,

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

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,

**STIPULATION BY AND BETWEEN
 PLAINTIFF AND DEFENDANTS
 REGARDING EXTENSION OF
 EXPERT DISCOVERY CUTOFF AND
 DEFENDANTS' OPTION TO
 SUPPLEMENT THEIR REPLY TO
 PLAINTIFF'S OPPOSITION TO
 DEFENDANTS' SUMMARY
 JUDGMENT MOTION ; [Proposed]
 ORDER**

19 Defendants.

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

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**STIPULATION BY AND BETWEEN PLAINTIFF AND DEFENDANTS
 REGARDING EXTENSION OF EXPERT DISCOVERY CUTOFF**

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

3 (1) WHEREAS, on September 10, 2012, the parties submitted a joint letter
4 to Honorable Jacqueline S. Corley [USDC Docket #188] agreeing to extend the
5 expert discovery cut-off date to November 2, 2012.

6 (2) WHEREAS, on September 12, 2012, Judge Corley entered an Order
7 granting the requested extension. [USDC Docket #189]

8 (3) WHEREAS, the deposition of Plaintiff’s standard of care expert, John
9 Carson, Esq., was originally set for October 30, 2012. However, due to an
10 unforeseen scheduling conflict, Mr. Carson is now unavailable for his scheduled
11 deposition date. Defendants have agreed to reset Mr. Carson’s deposition date to
12 November 5, 2012.

13 (4) WHEREAS, the deposition testimony of Mr. Carson may contain
14 information Defendants may want to use to supplement their Reply to Plaintiff’s
15 Opposition to Motion for Summary Judgment, now due November 1, 2012.
16 Plaintiff agrees to allow Defendants to supplement their Reply to Plaintiff’s
17 Opposition to Motion for Summary Judgment no later than November 8, 2012, in
18 consideration of the necessary scheduling change.

19 Now, therefore, the parties, by and through their counsel of record,
20 STIPULATE as follows:

21 (A) The parties respectfully request that the Court extend the Court’s
22 deadline for concluding expert depositions to and including November 5, 2012, on
23 which date Defendants will take the deposition of John Carson, Esq.

24 (B) The parties respectfully request that the Court permit Defendants an
25 opportunity to supplement their Reply to Plaintiff’s Opposition to Defendants’
26 Summary Judgment with any information obtained in John Carson, Esq.’s
27 deposition, to be filed no later than November 8, 2012.

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IT IS SO STIPULATED.

Dated: October 29, 2012

ROSEN ✧ SABA, LLP

By: /s

JAMES R. ROSEN, ESQ.
RYAN D. SABA, ESQ.
LAURA L. CABLE, ESQ.
Attorneys for Plaintiff,
E-PASS TECHNOLOGIES, INC.

Dated: October 29, 2012

DUANE MORRIS, LLP

By: /s

RICHARD D. HOFFMAN, ESQ.
ROBERT M. FINEMAN, ESQ.
Attorneys for Defendant,
MOSES & SINGER, LLP

Dated: October 29, 2012

LONG & LEVIT, LLP

By: /s

JOSEPH MCMONIGLE, ESQ.
JESSICA R. MACGREGOR, ESQ.
Attorneys for Defendant,
STEPHEN N. WEISS

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

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[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:

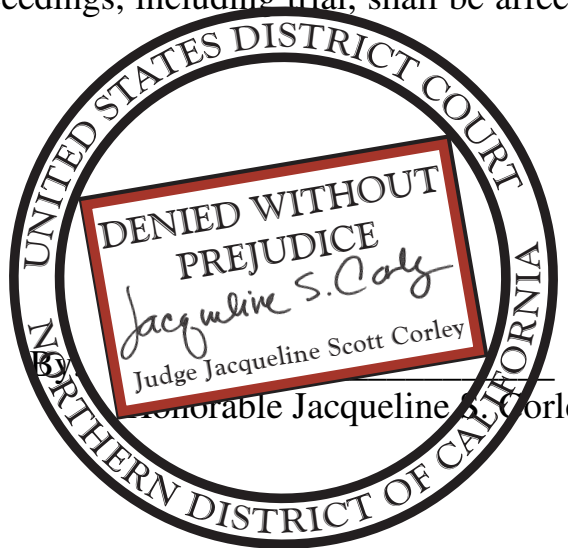
(A) The expert discovery cut-off deadline shall be continued to November 5, 2012, so that the deposition of John Carson, Esq. may proceed on November 5, 2012.

(B) Defendants may file a supplemental reply to Plaintiff's Opposition to Motion for Summary Judgment, to be filed no later than November 8, 2012

(C) No other dates for future proceedings, including trial, shall be affected by this Order.

~~**IT IS SO ORDERED.**~~

Date: November 5, 2012



Honorable Jacqueline S. Corley