

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
 nchatterjee@orrick.com
 2 THOMAS J. GRAY (STATE BAR NO. 191411)
 tgray@orrick.com
 3 THERESA A. SUTTON (STATE BAR NO. 211857)
 tsutton@orrick.com
 4 JULIO C. AVALOS (STATE BAR NO. 255350)
 javalos@orrick.com
 5 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 6 Menlo Park, CA 94025
 Telephone: 650-614-7400
 7 Facsimile: 650-614-7401

8 Attorneys for Defendant
 FACEBOOK, INC.
 9

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

14 DANIEL M. MILLER,
 15 Plaintiff,
 16 v.
 17 FACEBOOK, INC. and YAO WEI YEO,
 18 Defendants.

Case No. 3:10-CV-00264 (WHA)
**STIPULATED REQUEST FOR
 ORDER CHANGING TIME
 PURSUANT TO LOCAL RULE 6-2**

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 Defendant Facebook, Inc. and Plaintiff Daniel M. Miller, by and through their respective
2 counsel of record, hereby stipulate to change time for the following reasons:

3 **A. Reasons For the Enlargement of Time**

4 The parties have had numerous discovery related discussions and disputes and the parties
5 are in the process of resolving those disputes. On December 17, 2010, the parties exchanged
6 substantive discovery in response to the outstanding discovery requests by answering each other's
7 respective pending interrogatories and producing documents responsive to the parties' respective
8 requests for production, if any, or otherwise objecting to the requests. The parties in good faith
9 continue to engage in exchanging substantive discovery. On December 21, 2010, the parties met
10 and conferred regarding the current Case Management Order (Dkt. No. 55) and discovery
11 schedule and agreed that the parties require additional time to conclude discovery and prepare
12 their respective cases. Further, the Court's Case Management Order appears to contain an error
13 as to the scheduled date for designation of expert testimony and disclosure of full expert reports.

14 **B. Previous Time Modifications**

15 There have been no other time modifications in this case.

16 **C. Effect The Requested Time Modification Will Have On Schedule**

17 The requested modifications are as follows:

Current Schedule	Proposed Schedule
The non-expert discovery cut-off date shall be January 31, 2011 .	March 28, 2011
The last date for designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof ("opening reports") shall be JULY 31, 2011 .	*March 28, 2011 Counsel believe there is a typo in the current case management order and the date is meant to be January 31, 2011 and not July 31, 2011
Within FOURTEEN CALENDAR DAYS of said deadline, all other parties must disclose any expert reports on the same issue ("opposition reports").	Same
Within SEVEN CALENDAR DAYS thereafter, the party with the burden of proof must disclose any reply reports rebutting specific material in opposition	Same
The cutoff for all expert discovery shall be FOURTEEN CALENDAR DAYS after	Same

1	the deadline for reply reports	
2	At least 28 CALENDAR DAYS before the	Same
3	due date for opening reports, each party	
4	shall serve a list of issues on which it will	
5	offer any expert testimony in its case-in-	
6	chief (including from non-retained experts).	
7	The last date to file dispositive motions	April 28, 2011
8	shall be MARCH 3, 2011 . No dispositive	
9	motions shall be heard more than 35 days	
10	<i>after</i> this deadline	
11	The FINAL PRETRIAL CONFERENCE	June 13, 2011
12	shall be at 2:00 P.M. on APRIL 18, 2011 .	
13	A JURY TRIAL shall begin on APRIL	June 20, 2011
14	25, 2011 , at 7:30 A.M. , in Courtroom 9,	
15	19th Floor, 450 Golden Gate Avenue, San	
16	Francisco, California, 94102.	

17 **IT IS SO STIPULATED:**

18 Dated: December 30, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

19 */s/ Theresa A. Sutton /s/*

20 Theresa A. Sutton
Attorneys for Defendant
FACEBOOK, INC.

21 Dated: December 30, 2010

HENINGER GARRISON DAVIS, LLC

22 */s/ Brian D. Hancock /s/*

23 Brian D. Hancock
Attorneys for Plaintiff
DANIEL MILLER

24 **Filer's Attestation:** Pursuant to General Order No. 45, §X(B), I attest under penalty of
perjury that concurrence in the filing of the document has been obtained from its signatory.

25 Dated: January 9, 2007

Respectfully submitted,

26 */s/ Theresa A. Sutton /s/*

27 Theresa A. Sutton

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January ____, 2011

Honorable William Alsup
United States District Judge

