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9 Attorneys for Plaintiff  
10 and Third-Party Defendants

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

14 MYCONE DENTAL SUPPLY CO., INC.,  
15 D/B/A KEYSTONE RESEARCH &  
16 PHARMACEUTICAL,  
17 a New York Corporation,

18 Plaintiff,

19 v.

20 CREATIVE NAIL DESIGN, INC.,  
21 a California corporation,

22 Defendant.

23 YOUNG NAILS, INC., CACEE, INC. AND  
24 NAIL SYSTEMS INTERNATIONAL,

25 Third-Party Defendants.

Case No. 3:12-cv-00747-RS

**JOINT STIPULATION AND ~~PROPOSED~~**  
**ORDER EXTENDING TIME FOR THE**  
**PARTIES TO EXCHANGE EXPERT**  
**REPORTS AND MODIFYING THE**  
**SCHEDULING ORDER WITH RESPECT**  
**TO DEPOSITION DAYS**

26 Pursuant to Local Rule 6-1, Plaintiff Mycone Dental Supply Co., Inc., d/b/a/ Keystone  
27 Research and Pharmaceutical (“Keystone”) and Third-Party Defendants Young Nails, Inc.,  
28 Cacee, Inc., and Nail Systems International, and Defendant Creative Nail Design, Inc. hereby

JOINT STIPULATION AND PROPOSED ORDER EXTENDING TIME  
FOR THE PARTIES TO EXCHANGE EXPERT REPORTS AND  
MODIFYING THE SCHEDULING ORDER WITH RESPECT TO  
DEPOSITION DAYS  
Case No. 3:12-cv-00747-RS

1 stipulate and agree to extend the deadlines for the parties to exchange their expert reports as  
2 follows:

- 3 • The deadline for the parties to exchange Opening Expert Reports is extended from  
4 September 27, 2013 to November 8, 2013;
- 5 • The deadline for the parties to exchange Rebuttal Expert Reports is extended from  
6 October 30, 2013 to December 13, 2013;
- 7 • The deadline for the parties to exchange Reply Expert Reports is extended from  
8 November 22, 2013 to January 10, 2014; and
- 9 • The close of expert discovery is extended from January 10, 2014 to February 7,  
10 2014.

11  
12 This extension will not affect any other deadlines set by the court. In addition, this extension  
13 will not affect any pre-trial or trial dates as no dates have been set for trial.  
14

15 In addition, the parties hereby stipulate and agree to modify the fact discovery deposition  
16 limits, governed by the scheduling order in this case (Doc. 75, Section 1.C), as follows:

- 17 • A “deposition day,” as that term is used in the Scheduling Order, is a deposition  
18 of a party witness, regardless of the length of the deposition.
- 19 • The limits on “deposition days” in the Scheduling Order do not limit the number  
20 of third-party witness depositions.

21  
22 Fact discovery is closing fairly soon, and expert discovery is approaching. The parties have met  
23 and conferred on this issue, and have agreed to these modifications of the scheduling order to  
24 accommodate the depositions that are currently anticipated by both parties in order to adequately  
25 complete fact discovery.  
26

1 In accordance with General Order No. 45, Section X(B), the filer of this document hereby  
2 attests that the concurrence to the filing of this document has been obtained from the other  
3 signatory hereto.  
4

5 Dated: September 25, 2013

Respectfully submitted,

6 FISH & RICHARDSON, PC

7 /s/ John R. Lane

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25 Attorneys for Defendant

~~PROPOSED~~ **ORDER**


PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED THAT the deadline for Opening Expert Reports is extended from September 27, 2013 to November 8, 2013; the deadline for Rebuttal Expert Reports is extended from October 30, 2013 to December 13, 2013; the deadline for Reply Expert Reports is extended from November 22, 2013 to January 10, 2014; and the close of expert discovery is extended from January 10, 2014 to February 7, 2014.

IT IS FURTHER ORDERED THAT:

- A “deposition day,” as that term is used in the Scheduling Order, is a deposition of a party witness, regardless of the length of the deposition.
- The limits on “deposition days” in the Scheduling Order do not limit the number of third-party witness depositions.

**IT IS SO ORDERED.**

Dated: 9/25, 2013

  
\_\_\_\_\_  
Hon. Richard Seeborg  
United States District Judge