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VOLCANO CORPORATION

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 FORMER SHAREHOLDERS OF  
12 CARDIOSPECTRA, INC.,

13 Plaintiffs,

14 v.

15 VOLCANO CORPORATION, a Delaware  
16 corporation; and DOES 1-10,

17 Defendants.

Case No. CV12-01535 (WHO)

**STIPULATION TO MODIFY SCHEDULING  
AND PRETRIAL ORDER**

**DEMAND FOR JURY TRIAL**

1 This Stipulation is entered into by and among Plaintiffs Christopher E. Banas and Paul  
2 Castella, in their capacities as Shareholders' Representatives of the Former Shareholders of  
3 CardioSpectra, Inc., ("Plaintiffs") and Defendant Volcano Corporation ("Volcano") (collectively  
4 the "Parties"), by and through their respective counsel.

5 WHEREAS, on October 17, 2013, the Court issued its Final Order Regarding Dispute  
6 Over Plaintiffs' Second Request for Production, requiring Volcano to review and produce  
7 responsive, non-duplicative documents from specified sources within 45 days;

8 WHEREAS, pursuant to the Court's October 17 Order, Volcano anticipates that it will  
9 produce documents on a rolling basis and will make every reasonable and diligent effort to  
10 complete its production by the Court's November 29, 2013 deadline;

11 WHEREAS, pursuant to the Scheduling and Pretrial Order (Dkt. 43), the expert  
12 discovery cutoff is November 15, 2013, and thus precedes the Court's November 29 deadline for  
13 Volcano to produce additional documents;

14 WHEREAS, the Parties have agreed to continue the deadline for expert discovery until  
15 December 20, 2013, so that the Parties' experts have the opportunity to consider documents  
16 produced in accordance with this Court's October 17 Order;

17 WHEREAS, pursuant to the Scheduling and Pretrial Order (Dkt. 43), the parties must file  
18 any dispositive motions by December 3, 2013, oppositions are due on January 7, 2014, replies  
19 are due on January 21, 2014, and the hearing on any such dispositive motions is set for February  
20 12, 2014;

21 WHEREAS, the Parties have agreed that principles of efficiency and completeness justify  
22 a continuance of the deadline for filing dispositive motions and the related briefing and hearing  
23 schedule, so that the Parties can complete expert discovery before submitting dispositive  
24 motions;

25 WHEREAS, the Parties agree to continue the deadlines related to dispositive motions as  
26 follows: dispositive motions must be filed by January 21, 2014, oppositions are due on February  
27 11, 2014, replies are due on February 25, 2014, and the hearing for any such dispositive motions  
28 is reset to March 19, 2014; and

WHEREAS, the Court has scheduled a further Case Management Conference for February 12, 2014, which is the same date for the currently scheduled hearing on dispositive Motions, and the Parties agree that the February 12, 2014 CMC should be continued to March 19, along with the hearing date for the Dispositive Motions;

NOW, THEREFORE, for good cause as shown, the Parties hereby stipulate and agree that the Scheduling and Pretrial Order (Dkt. 43) is modified as follows:

- Expert Discovery Cutoff: December 20, 2013
- Dispositive Motions Briefing Schedule:
  - Motions filed by: January 21, 2014
  - Oppositions due: February 11, 2014
  - Replies due: February 25, 2014
  - Hearing on March 19, 2014

**IT IS SO STIPULATED.**

Dated: October 25, 2013

COOLEY LLP

/s/ Mark F. Lambert  
MARK F. LAMBERT (197410)

Attorneys for Defendant  
VOLCANO CORPORATION

Dated: October 25, 2013

STANLEY IOLA, LLP

/s/ Marc R. Stanley  
MARC R. STANLEY (Texas SBN 19046500)  
(admitted pro hac vice)

Attorneys for Plaintiffs  
FORMER SHAREHOLDERS OF  
CARDIOSPECTRA

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatory.

/s/ Mark F. Lambert  
MARK F. LAMBERT (197410)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 25, 2013

  
Hon. William H. Orrick  
United States District Court

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