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 8 INTUITIVE SURGICAL, INC.

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

12 ILLINOIS UNION INSURANCE COMPANY,
 13 Plaintiff,

14 v.

15 INTUITIVE SURGICAL, INC.,
 16 Defendant.

Case No.: 3:13-cv-04863-JST
 Complaint Filed: October 21, 2013

**JOINT STIPULATION TO EXTEND
 TIME FOR DEPOSITIONS, EXPERT
 DISCLOSURE, AND CLOSE OF
 EXPERT DISCOVERY; and**

[PROPOSED] ORDER.

Hon. Jon S. Tigar

17 NAVIGATORS SPECIALTY INSURANCE CO.,
 18 Plaintiff,

19 v.

20 INTUITIVE SURGICAL, INC.,
 21 Defendant.

Case No.: 3:13-cv-05801-JST
 Complaint Filed: December 16, 2013

22 INTUITIVE SURGICAL, INC.,
 23 Plaintiff,

24 v.

25 ILLINOIS UNION INSURANCE COMPANY;
 26 NAVIGATORS SPECIALTY INSURANCE CO.,
 27 Defendants.

Case No.: 3:15-cv-04834-JST
 Complaint Filed: October 20, 2015

1 Plaintiff/Defendant Intuitive Surgical, Inc. (“Intuitive”) and Plaintiffs/Defendants Illinois
2 Union Insurance Company (“Illinois Union”) and Navigators Specialty Insurance Company
3 (“Navigators”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend the
4 time for depositions, for disclosure of experts and rebuttal experts, and for the close of expert
5 discovery.

6 WHEREAS, as currently scheduled, the deadline to take depositions in Case Nos. 3:13-cv-
7 04863-JST and 3:13-cv-05801-JST is January 29, 2016;

8 WHEREAS, the parties have been diligently working on finding dates for the depositions of
9 two Illinois Union witnesses since at least early November, 2015;

10 WHEREAS, Illinois Union’s witnesses are available for deposition on February 17 and 19,
11 2016;

12 WHEREAS, given the difficulty in scheduling, Illinois Union requested an extension for
13 the deadline to take depositions, to which Intuitive and Navigators agreed;

14 WHEREAS, the Court held a case management conference on January 20, 2016;

15 WHEREAS, at the January 20, 2016 cases management conference, the Court ordered Case
16 Nos. 3:13-cv-04863-JST and 3:13-cv-05801-JST (which had previously been consolidated) and
17 Case No. 3:15-cv-04834-JST “consolidated for all purposes other than trial” (Dkt. 109);

18 WHEREAS, in Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-JST, as currently
19 scheduled, the deadline: (i) for designation of experts is February 1, 2016, (ii) for expert reports is
20 March 1, 2016, (iii) for designation of rebuttal experts is April 1, 2016, (iv) for rebuttal expert
21 reports is April 15, 2016, and (v) for the close of expert discovery is May 15, 2016;

22 WHEREAS, given the recent case consolidations and in the interest of efficiency, the
23 parties have agreed to extend the deadline: (i) for disclosure of expert testimony until April 29,
24 2016, (ii) for disclosure of rebuttal expert testimony until May 30, 2016, and (iii) for the close of
25 expert discovery until June 30, 2016;

1 WHEREAS, the parties have agreed that all parties are free to disclose and use expert
2 testimony earlier than the agreed-upon deadlines to oppose any motion for summary judgment
3 provided the disclosing party makes its expert available for deposition;

4 NOW THEREFORE, the parties, through the undersigned counsel, hereby stipulate with
5 respect to the deadlines previously imposed in Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-
6 JST as follows:

- 7 • that the deadline for taking depositions is extended to February 19, 2016;
- 8 • that the deadline for disclosure of expert testimony is extended to April 29, 2016;
- 9 • that the deadline for disclosure of rebuttal expert testimony is extended to May 30,
10 2016;
- 11 • that the deadline for close of expert discovery is extended to June 30, 2016;

12 The parties' proposed time modifications would impact the deadlines in Case Nos. 3:13-cv-
13 04863-JST and 3:13-cv-05801-JST as follows:

14

15 Event	16 Current Schedule	17 New Schedule
18 Deadline for Taking Depositions	1/29/2016	2/19/2016
19 Designation of Experts / Expert Reports Due	2/1/2016 / 3/1/2016	4/29/2016
20 Designation of Rebuttal Experts / Rebuttal Reports Due	4/1/2016 / 4/15/2016	5/30/2016
21 Close of Expert Discovery	5/15/2016	6/30/2016

22 DATED: January 25, 2016.

23 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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25 By: _____ /s/ James P. Schaefer
26 Attorneys for Plaintiff/Defendant
27 INTUITIVE SURGICAL, INC.
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COZEN O'CONNOR

By: /s/ Charles Wheeler
Attorneys for Plaintiff/Defendant
ILLINOIS UNION INSURANCE COMPANY

HINSHAW & CULBERTSON LLP

By: /s/ John S. Pierce
Attorneys for Plaintiff/Defendant
NAVIGATORS SPECIALTY INSURANCE COMPANY

Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ James P. Schaefer

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~~[PROPOSED]~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS ORDERED THAT:

The prior deadlines in Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-JST are amended as follows:

Event	Current Schedule	New Schedule
Deadline for Taking Depositions	1/29/2016	2/19/2016
Designation of Experts / Expert Reports Due	2/1/2016 / 3/1/2016	4/29/2016
Designation of Rebuttal Experts / Rebuttal Reports Due	4/1/2016 / 4/15/2016	5/30/2016
Close of Expert Discovery	5/15/2016	6/30/2016

DATED: January 25, 2016

