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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

**JOINT STIPULATION TO VACATE
 DEADLINES FOR EXPERT
 DISCLOSURE AND CLOSE OF
 EXPERT DISCOVERY; and
 [PROPOSED] ORDER.**

Complaint Filed: October 21, 2013

Judge: Hon. Jon S. Tigar

18 NAVIGATORS SPECIALTY INSURANCE CO.,
 19 Plaintiff,

20 v.

21 INTUITIVE SURGICAL, INC.,
 22 Defendant.

CASE NO.: 3:13-cv-05801-JST

Complaint Filed: December 16, 2013

23 INTUITIVE SURGICAL, INC.,
 24 Plaintiff,

25 v.

26 ILLINOIS UNION INSURANCE COMPANY;
 27 NAVIGATORS SPECIALTY INSURANCE CO.,
 28 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 vacate the
4 current deadlines for disclosure of experts and rebuttal experts and for the close of expert discovery
5 in the rescission actions, Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-JST, pending this
6 Court’s May 26, 2016 case management conference.

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

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

11 WHEREAS, in Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-JST, as currently
12 scheduled, the deadline: for (i) the designation of experts and expert reports is April 29, 2016; (2)
13 the designation of rebuttal experts and rebuttal expert reports is May 30, 2016, and (iii) the close of
14 expert discovery is June 30, 2016 (Dkt. 112);

15 WHEREAS, on April 14, 2016, the Court ordered that it would “conduct a jury trial of
16 Intuitive’s breach of contract and bad faith claims [Case No. 3:15-cv-04834-JST] prior to a
17 separate trial on the Insurers’ rescission claims [Case Nos. 3:13-cv-04863-JST and 3:13-cv-05801-
18 JST]” (Dkt. 153);

19 WHEREAS, on April 14, 2016, the Court vacated the trial date for the rescission actions,
20 previously scheduled for July 5, 2016 (Dkt. 153);

21 WHEREAS, on April 14, 2016, the Court set a case management conference for May 26,
22 2016 (Dkt. 153);

23 WHEREAS, no dates or deadlines for expert disclosure, expert reports, or trial have been
24 set in Case No. 3:15-cv-04834-JST;

25 WHEREAS, the parties have met and conferred and have agreed, as a matter of efficiency,
26 that there should be one set of expert deadlines for all three cases;

27 WHEREAS, the parties have agreed to submit a proposed schedule with one set of expert

1 deadlines for all cases with the joint case management statement due ten court days prior to the
2 May 26, 2016 case management conference.

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

- 6 • that the following deadlines be taken off calendar:
 - 7 ○ the April 29, 2016 deadline for disclosure of expert testimony;
 - 8 ○ the May 30, 2016 deadline for disclosure of rebuttal expert testimony ;
 - 9 ○ the June 30, 2016 deadline for close of expert discovery;
- 10 • that the parties will submit a proposed schedule to the Court with one set of expert
11 deadlines for all cases with the joint case management statement due ten court days
12 prior to the May 26, 2016 case management conference.

13 The parties' proposed time modifications would impact the deadlines in Case Nos. 3:13-cv-
14 04863-JST and 3:13-cv-05801-JST as follows:

15

16 Event	Current Schedule	New Schedule
17 Designation of Experts / Expert Reports Due	4/29/2016	TBD
18 Designation of Rebuttal Experts / Rebuttal Reports Due	5/30/2016	TBD
19 Close of Expert Discovery	6/30/2016	TBD

20

21 DATED: April 26, 2016

22 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

23
24 By: /s/ James P. Schaefer
25 Attorneys for Plaintiff/Defendant
26 INTUITIVE SURGICAL, INC.

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COZEN O'CONNOR

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ILLINOIS UNION INSURANCE COMPANY

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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
Designation of Experts / Expert Reports Due	4/29/2016	TBD
Designation of Rebuttal Experts / Rebuttal Reports Due	5/30/2016	TBD
Close of Expert Discovery	6/30/2016	TBD

The parties shall submit a proposed schedule to the Court with one set of expert deadlines for all cases with the joint case management statement due ten court days prior to the May 26, 2016 case management conference.

DATED: April 27, 2016

