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16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **AMCOR FLEXIBLES, INC.,**  
 19 **Plaintiff,**  
 20 **vs.**  
 21 **FRESH EXPRESS, INCORPORATED,**  
 22 **Defendant.**

**Case No. 3:14-cv-01025-LB**

ORDER

23 **FRESH EXPRESS INCORPORATED, INC.'S**  
 24 **DEPOSITIONS TO BE TAKEN**

Name	Fresh Express -- Hours	Amcor -- Hours <sup>1</sup>	Court
Mike Mallon	6 hours	3 hours	5
David Bradley	4 hours	2 hours	3
Matt Christian	2 hours	1 hour	1

25 <sup>1</sup> Amcor's responses in this column are pursuant to the Court's Order of May 21, 2015 (Dkt. No. 77) and are without  
 26 waiver of its objections to producing any of these witnesses for depositions after the cut-off for fact witness  
 27 discovery, in light of the established lack of diligence by Fresh Express and its counsel and the corresponding lack  
 28 of good cause shown. These responses are also without prejudice to Amcor's motion for Rule 37(c)(1) discovery  
 sanctions related to fees and expenses incurred related to these witnesses, as well as other Rule 37(c)(1) sanctions it  
 intends to seek.

Amy Lynch	2 hours	Not noticed (See Ex. A attached) <sup>2</sup> – 0 hours	1
Tami Jolicoeur	2 hours	1 hour	1
Randy Murr	2 hours	1 hour	1

DATED: May 26, 2015

HINSHAW & CULBERTSON LLP

/s/ Matthew J. O'Hara  
 MATTHEW J. O'HARA  
 Attorneys for Plaintiff  
 AMCOR FLEXIBLES, INC.

Dated: June 1, 2015



<sup>2</sup> At the May 21, 2015 discovery hearing, the Court indicated it would not allow depositions of Amcor witnesses whose depositions had not already been noticed by Fresh Express. Attached as Exhibit A is the correspondence received on April 29, 2015 (*see* Dkt. No. 76, at 3), from Fresh Express' counsel with attached deposition notices. As indicated in this email, the notices attached were for the depositions of David Bradley, Mike Mallon, Randy Murr, Tami Jolicoeur, and Matt Christian. Amy Lynch's deposition was not noticed by Fresh Express.