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19 *RICHARD POHLY*

20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 RICHARD POHLY,

23 Plaintiff,

24 v.

25 INTUITIVE SURGICAL, INC., a Delaware  
26 corporation headquartered in California,

27 Defendant.

Case No.: 5:15-CV-04113-MEJ

**STIPULATION TO CONTINUE  
CASE MANAGEMENT DATES AND  
[PROPOSED] ORDER**

Judge: Hon. Maria-Elena James

28 **STIPULATION TO CONTINUE CASE MANAGEMENT DATES & [PROPOSED] ORDER**  
**CASE No.: 5:15-CV-04113 (MEJ)**

**STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

Plaintiff Richard Pohly (“Pohly”) and Defendant Intuitive Surgical, Inc. (“ISI”) hereby stipulate and agree, by and through their undersigned counsel of record and pursuant to this Court’s L.R. 6-2, as follows:

WHEREAS, on June 13, 2016, in response to a stipulation of the parties, this Court issued a revised Case Management Order setting October 21, 2016, as last date for the disclosure of expert witnesses, October 31, 2016, as the last date for the disclosure of rebuttal expert witnesses, and November 15, 2016, as the last date to complete all discovery, including the deposition of expert witnesses;

WHEREAS, due to the scheduling availability of third party witnesses beyond the parties' control, important testimony that would be helpful for both parties' expert witnesses is not available until after the last date for the disclosure of expert witnesses;

WHEREAS, counsel for both parties have conferred and agree that an extension of time in the parties’ expert discovery dates will benefit both parties, and will not inhibit or postpone readiness for trial;

WHEREAS, this is the parties’ second request for a time modification before this Court;  
IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that:

The June 13, 2016, Case Management Order in this matter should be modified and the time should be enlarged as follows:

| Event  | June 13, 2016, Case Management Order | Proposed Date |
|--|--------------------------------------|---------------|
| Disclosure of expert witnesses               | 10/21/16                             | 11/4/16       |
| Disclosure of rebuttal expert witnesses      | 10/31/16                             | 11/14/16      |
| Last day for depositions of expert witnesses | 11/15/16                             | 12/6/16       |

1 Dated: October 6, 2016

Respectfully submitted,

2 s/ Peter Mullenix

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4 *Attorneys for Plaintiff Richard Pohly*

5 Dated: October 6, 2016

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

6 s/ Allen Ruby

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8 *Attorneys for Defendant Intuitive Surgical, Inc.*

1 I, Allen Ruby, am the ECF User whose ID and password are being used to file this  
2 STIPULATION TO CONTINUE STATUS CONFERENCE AND [PROPOSED] ORDER. In  
3 compliance with Civil L.R. 5-1(i)(3), I hereby attest that Peter Mullenix concurred in this filing.

4 /s/ Allen Ruby

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~~PROPOSED~~ ORDER

The above STIPULATION TO CONTINUE CASE MANAGEMENT DATES & [PROPOSED] ORDER is APPROVED. The following schedule and deadlines shall apply to this case:

- Disclosure of Expert Witnesses .....November 4, 2016
- Disclosure of Rebuttal Expert Witnesses.....November 14, 2016
- Last day for depositions of expert witnesses ..... December 6, 2016

IT IS SO ORDERED.

Dated: October 6, 2016

  
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HONORABLE MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE