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16
 17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20	ZEE APPAREL INC. d/b/a SHOP UNDER,)	Case No. 3:16-cv-00755-HSG
21	a corporation incorporated under the laws of)	
22	the Province of Quebec, Canada)	
23	Plaintiff/Counterdefendant)	STIPULATION AND ORDER
24	v.)	REGARDING EXTENSION OF FACT
25	THE REALREAL, INC.,)	DISCOVERY DEADLINE
26	a Delaware corporation,)	
27	Defendant/Counterclaimant)	
28)	

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff/Counterdefendant Zee Apparel Inc. d/b/a
2 Shop Under (“Zee Apparel”) and Defendant/Counterclaimant The RealReal, Inc. (“The RealReal”), by
3 and through their counsel, file this Stipulation and [Proposed] Order Regarding Extension of Fact
4 Discovery Deadline.

5 WHEREAS, on May 24, 2016, the Court issued its Scheduling Order setting the current
6 schedule;

7 WHEREAS, the parties require additional time to conduct fact depositions following motion
8 practice related to the Federal Rule of Civil Procedure 30(b)(6) deposition of Zee Apparel (*see* ECF
9 No. 38);

10 WHEREAS, Zee Apparel is available for deposition on October 19, 2016 in Montreal, Canada;

11 WHEREAS, The RealReal agreed to make its Federal Rule of Civil Procedure 30(b)(6) and
12 30(b)(1) witnesses available in a one-week period in order to minimize the travel for Zee Apparel’s
13 counsel, and The RealReal’s witnesses are available the week of October 31, 2016; and

14 WHEREAS, the parties agree that no party shall serve any additional fact discovery in the form
15 of interrogatories, requests for production or inspection of documents or other tangible things, or
16 requests for admission (however, this stipulation does not include any restriction on expert discovery);

17 WHEREAS, Zee Apparel agrees to disclose by October 28, 2016 the name(s) and topics to be
18 covered by any experts for whom Zee Apparel will provide an opening expert report under FRCP
19 26(a)(2)(B);

20 NOW, THEREFORE, the parties stipulate and agree, subject to the Court’s approval, that:

21 (1) the Fact Discovery Cutoff shall be shifted from October 10, 2016 to November 4, 2016;

22 (2) as a result, the deadline for Expert Initial Reports shall be shifted from October 24, 2016 to
23 November 7, 2016, and the deadline for Expert Rebuttal Reports shall be shifted from November 7,
24 2016 to November 16, 2016;

25 (3) all other deadlines shall remain the same, including the trial date and the dispositive
26 motions hearing deadline; and

27 (4) the Revised Schedule shown below shall be adopted for this case.
28

Event	Current Schedule	Revised Schedule
Fact Discovery Cutoff	October 10, 2016	November 4, 2016
Exchange Initial Expert Reports	October 24, 2016	November 7, 2016
Exchange Rebuttal Expert Reports	November 7, 2016	November 16, 2016
Expert Discovery Cutoff	November 21, 2016	November 21, 2016
Dispositive Motions Hearing Deadline	January 12, 2017	January 12, 2017
Pretrial Conference	April 4, 2017	April 4, 2017
Jury Trial	May 1, 2017	May 1, 2017

Dated: October 10, 2016

Respectfully submitted,

By: /s/ Hal M. Lucas

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1 **ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3
4 Dated: October 11, 2016


5 THE HONORABLE HAYWOOD S. GILLIAM, JR.
6 United States District Court Judge

7 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the
8 filing of this document has been obtained from the other signatory above.

9
10 Dated: October 10, 2016

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11
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15 *Attorney for Defendant*
16 *THE REALREAL, INC.*