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ORACLE AMERICA, INC. and
6 ORACLE INTERNATIONAL CORPORATION

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

11 ORACLE AMERICA, INC., a Delaware
corporation; ORACLE INTERNATIONAL
12 CORPORATION, a California corporation,

13 Plaintiffs,

14 v.

15 HEWLETT PACKARD ENTERPRISE
16 COMPANY, a Delaware corporation; and
17 DOES 1-50,

18 Defendants.

CASE NO. 3:16-cv-01393 JST

**STIPULATION AND ~~PROPOSED~~
ORDER RE: NON-PARTY DEPOSITION
OF BETSY MCDEVITT**

CRONE HAWXHURST LLP
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1 WHEREAS, plaintiffs Oracle America Inc. and Oracle International Corporation
2 (collectively, “Oracle”) sought the deposition of non-party Charter Communications during the
3 fact discovery period;

4 WHEREAS, Oracle represents that Oracle and Charter jointly identified former Charter
5 employee Betsy McDevitt as an appropriate deponent with knowledge of facts relevant to this
6 case, in lieu of testimony from Charter pursuant to Rule 30(b)(6);

7 WHEREAS, on October 3, 2017 (*see* Dkt. No. 352), the Court entered the parties’
8 stipulation allowing Oracle to complete its discovery of Charter no later than October 20, 2017;

9 WHEREAS, Oracle set Ms. McDevitt’s deposition for October 17, 2017;

10 WHEREAS, Ms. McDevitt notified the parties’ counsel on October 13, 2017, that she
11 unexpectedly needed to undergo an urgent surgical procedure the week of October 17, 2017, and,
12 for this reason, needed to postpone her deposition;

13 WHEREAS, Oracle represents that Ms. McDevitt has agreed to appear for deposition on
14 November 16, 2017; and

15 WHEREAS, HPE does not object to Ms. McDevitt’s deposition proceeding on
16 November 16, 2017, given her stated medical condition;

17 WHEREAS, the parties stipulate that this agreement will not be used by either side as a
18 basis to seek an order extending discovery or creating other exceptions to the discovery cutoff for
19 any other reason;

20 NOW, THEREFORE, the parties hereby stipulate and request that the Court amend its
21 October 3, 2017 order so as to allow the deposition of Betsy McDevitt, former employee of
22 Charter Communications, to proceed after the October 2, 2017 fact discovery cutoff, and,
23 specifically, on November 16, 2017.

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: October 27, 2017

The Honorable Jon S. Tigar
United States District Judge

Respectfully submitted,

DATED: October 26, 2017

CRONE HAWXHURST LLP

By /s/ Daryl M. Crone

Daryl M. Crone
Attorneys for Plaintiffs
ORACLE AMERICA, INC. and
ORACLE INTERNATIONAL CORPORATION

DATED: October 26, 2017

GIBSON, DUNN & CRUTCHER LLP

By /s/ Joseph Gorman

Joseph Gorman
Attorneys for Defendant
HEWLETT PACKARD ENTERPRISE CO.