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 Actuate Corporation

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a  
 California corporation,  
  
 Plaintiff,  
  
 v.  
  
 CONSTRUCTION SPECIALTIES,  
 INC.; and DOES 1 through 10,  
  
 Defendants.

CASE NO.: CV 10-04444 CW

**STIPULATION AND  
 [PROPOSED] ORDER TO  
 EXTEND TIME FOR  
 COMPLETION OF MEDIATION  
 AND DISCOVERY**

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JOINT STIPULATION TO EXTEND TIME FOR COMPLETION OF MEDIATION

1           WHEREAS, the Court entered a scheduling order in the above-captioned  
2 matter on February 15, 2011;

3           WHEREAS, pursuant to that court order, mediation was to be completed by  
4 Thursday, June 30, 2011; discovery completed by August 26, 2011; and expert  
5 discovery completed by October 21, 2011;

6           WHEREAS, the parties are working diligently to schedule depositions and  
7 complete discovery, but will require additional time to complete depositions;

8           WHEREAS, the parties believe that additional fact discovery will be  
9 necessary in order to participate in a meaningful mediation;

10          NOW THEREFORE, the parties hereby agree and stipulate to an extension of  
11 the time for the completion of mediation and fact discovery and respectfully  
12 request that the Court grant:

- 13           1)       an extension of the time for completion of mediation from June 30,  
14                   2011 to September 23, 2011;
- 15           2)       an extension of the time for completion of fact discovery from August  
16                   26, 2011 to October 21, 2011;
- 17           3)       an extension of the deadlines for initial and rebuttal expert reports  
18                   from September 23, 2011 and October 7, 2011, respectively, to  
19                   November 18, 2011 and December 2, 2011;
- 20           4)       an extension of the time for completion of expert discovery from  
21                   October 21, 2011 to December 16, 2011; and
- 22           5)       a continuance of the November 3<sup>rd</sup>, 2011 Case Management  
23                   Conference and last day to hear dispositive motions to January 5,  
24                   2012.

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1 None of the dates proposed herein will modify the March 27, 2012 Final  
2 Pretrial Conference or the April 9, 2012 trial date or any other pre-trial dates set  
3 forth in the Court's February 15, 2011 Scheduling Order other than those dates  
4 specifically sought to be modified herein.  
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8 DATED: July 28, 2011  
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LEE TRAN & LIANG APLC

10 By   
11 \_\_\_\_\_

12 James M. Lee  
13 Daniel J. Taylor  
14 Attorneys for Plaintiff  
15 Actuate Corporation

16 DATED: July 28, 2011  
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STARK & STARK

18 By   
19 \_\_\_\_\_

20 Craig Hilliard  
21 Attorney for Defendant Construction  
22 Specialties Inc.  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court's February 15 2011 Scheduling Order is modified as follows:

1. The time for completion of mediation is extended to September 23, 2011;
2. The time for completion of fact discovery is extended to October 21, 2011;
3. The time for service of initial expert reports is extended to November 18, 2011;
4. The time for service of rebuttal expert reports is extended to December 2, 2011;
5. The time for completion of expert discovery is extended from October 21, 2011 to December 16, 2011;
6. The November 3<sup>rd</sup>, 2011 Case Management Conference and last day to hear dispositive motions shall be continued to January 5, 2012.

DATED: 8/2/2011

  
Honorable Claudia Wilken