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 6 Attorneys for Plaintiff
 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 FACT AND
 EXPERT DISCOVERY**

JOINT STIPULATION TO EXTEND TIME FOR COMPLETION OF FACT AND EXPERT DISCOVERY

1 By this stipulation and order the parties to the above-captioned action
2 respectfully request that the fact and expert discovery deadlines on the case
3 schedule be extended for the reasons stated below.

4 WHEREAS, the Court entered an order in the above-captioned matter on
5 February 15, 2011;

6 WHEREAS, the Court, pursuant to the parties' joint stipulation, ordered the
7 extension of various discovery-related deadlines on August 2, 2011;

8 WHEREAS, pursuant to the Court's order, fact discovery was to be completed
9 by October 21, 2011; initial and rebuttal expert reports were to be completed by
10 November 18, 2011 and December 2, 2011, respectively; and expert discovery was
11 to be completed by December 16, 2011;

12 WHEREAS, the parties believe that additional fact discovery will be
13 necessary in order to complete depositions, which involve parties from numerous
14 states on the East and West Coasts, and investigate complex electronic data issues
15 in order to flesh out salient issues of the case and prepare for trial;

16 WHEREAS, none of the extensions to discovery requested herein will alter
17 the trial date that is currently set on April 9, 2012, and therefore no prejudice will
18 result from these requested extensions;

19 NOW THEREFORE, the parties hereby agree and stipulate to an extension of
20 time for the completion of fact and expert discovery, and respectfully request that
21 the Court grant:

- 22 1) an extension of time for the completion of fact discovery from October 21,
23 2011 to January 13, 2012;
- 24 2) an extension of the deadlines for initial and rebuttal expert reports from
25 November 18, 2011 and December 2, 2011, respectively, to January 13,
26 2012 and January 27, 2012; and
- 27 3) an extension of time for completion of expert discovery from December
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16, 2011 to February 3, 2012; and
4) a continuance of the January 5, 2012 Case Management Conference and
last day to hear dispositive motions to February 23, 2012.

DATED: October 12, 2011

LEE TRAN & LIANG APLC

By: /s/ Daniel Taylor
James M. Lee
Daniel J. Taylor
Attorneys for Plaintiff
Actuate Corporation

DATED: October 12, 2011

STARK & STARK

By: /s/ Craig Hilliard
Craig Hilliard
Attorney for Defendant Construction
Specialties Inc.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court's August 2, 2011 Order is modified as follows:

- 1) The time for completion of fact discovery is extended to January 13, 2012;
- 2) The time for service of initial expert reports is extended to January 13, 2012;
- 3) The time for service of rebuttal expert reports is extended to January 27, 2012; and
- 4) The time for completion of expert discovery is extended to February 3, 2012.
- 5) The January 5, 2012 Case Management Conference and last day to hear dispositive motions shall be continued to February 23, 2012.

DATED: 10/20/2011


Honorable Claudia Wilken

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Craig Hilliard.

DATED: October 12, 2011 LEE TRAN & LIANG APLC

By: /s/ Daniel Taylor
James M. Lee
Daniel J. Taylor
Attorneys for Plaintiff
Actuate Corporation