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 13 Attorneys for Defendant Wright Medical Technology,
 Inc.

14 IN THE UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

16 GREGORY K. TUCKER and REBECCA
 17 TUCKER,

18 Plaintiffs,

19 vs.

20 WRIGHT MEDICAL TECHNOLOGY, INC.,
 21 WRIGHT MEDICAL GROUP, INC., and DOES 1
 through 100, inclusive,

22 Defendants.

Case No. C 11-03086 YGR

**STIPULATION AND ~~PROPOSED ORDER~~
 RE LIMITED DISCOVERY AFTER
 DISCOVERY CUT-OFF DATE**

Action Filed: May 6, 2011

23
 24 Plaintiffs Gregory and Rebecca Tucker (“Plaintiffs”), and Defendant Wright Medical
 25 Technology, Inc. (“Wright Medical”), by and through their respective counsel of record, HEREBY
 26 STIPULATE as follows:

27 1. The fact discovery cut-off in this case is August 15, 2012 pursuant to the January 20, 2012
 28 Clerk’s Notice. On July 24, 2012 Plaintiffs noticed the depositions of defense witnesses Bryan Callahan,

1 Christopher Brian McDaniel, and Wright Medical Technology, Inc. Due to the necessity of coordinating
2 calendars for these out of state depositions and the witnesses and counsel's availability, the depositions
3 cannot be taken before the discovery cut-off date. The parties have agreed that the depositions will be
4 taken on August 21, 2012, in Memphis, Tennessee.

5 2. Wright Medical has designated Christopher Brian McDaniel as the person most
6 knowledgeable for both deposition notices served on Wright Medical Technology.

7 3. The parties will not object to the depositions based on the depositions occurring after
8 discovery cut-off, even if for unforeseen circumstances the depositions must be rescheduled. This does
9 not waive any other proper objections that either party may have to the depositions.

10 4. Wright Medical subpoenaed records from Turlock Irrigation District on April 27, 2012
11 and Dr. Elizabeth Swearingen on July 26, 2012, allowing for compliance with the subpoenas before the
12 close of fact discovery. Dr. Swearingen has informed Wright Medical that she is unable to produce
13 responsive documents and information because she claims the requested information is privileged.
14 Turlock Irrigation District has informed Wright Medical that to the extent Turlock Irrigation District has
15 certain requested documents, they would only release such documents with plaintiff Gregory Tucker's
16 authorization.

17 5. Plaintiff Gregory Tucker will provide to Wright Medical signed authorizations for release
18 of information for the Turlock Irrigation District and Dr. Elizabeth Swearingen subpoenas by no later
19 than close of fact-discovery on Wednesday, August 15, 2012.

20 6. The parties agree to allow non-parties Dr. Elizabeth Swearingen and Turlock Irrigation
21 District until September 1, 2012 to comply with Wright Medical's subpoenas.

22 7. Wright Medical will have seven days after September 1, 2012 to pursue a Motion to
23 Compel regarding the subpoenas to Dr. Elizabeth Swearingen and Turlock Irrigation District, if
24 necessary.

25 8. The parties will not object to the production by Turlock Irrigation District or Dr. Elizabeth
26 Swearingen on the grounds that the production was after fact discovery cut-off. This does not waive any
27 other proper objections that either party may have regarding the production.

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