

E-Filed 1/6/08

1 JOSEPH E. DWORAK, CA STATE BAR NO. 88265
 CHRISTINE H. LONG, CA STATE BAR NO. 199676
 2 STEPHANIE B. WERSEL, CA STATE BAR NO. 253759
 BERLINER COHEN
 3 TEN ALMADEN BOULEVARD
 ELEVENTH FLOOR
 4 SAN JOSE, CALIFORNIA 95113-2233
 TELEPHONE: (408) 286-5800
 5 FACSIMILE: (408) 998-5388
 joseph.dworak@berliner.com
 6 christine.long@berliner.com

7 ATTORNEYS FOR DEFENDANT ARTHRO CARE
 CORPORATION

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 ALLIED HEALTH ASSOCIATION, INC. and
 12 KENNETH P. CALLISON,

13 Plaintiffs,

14 v.

15 ARTHROCARE CORPORATION, and DOES
 1 through 100, inclusive,

16 Defendants.

CASE NO. C05-04276 PVT

STIPULATION FOR CONTINUANCE OF
 PRETRIAL CONFERENCE AND TRIAL
 AND ORDER THEREON

18 Plaintiffs ALLIED HEALTH ASSOCIATION, INC. and KENNETH P. CALLISON
 19 (“Plaintiffs”) and Defendant ARTHROCARE CORPORATION (“Defendant”) hereby enter into
 20 the following Stipulation and Order:

21 Defendant has agreed to continue the hearing on Defendant Arthrocare’s Notice of
 22 Motion, Motion and Memorandum of Points And Authorities in Support of Motion For
 23 Summary Judgment, or in the Alternative Partial Summary Judgment and Defendant
 24 Arthrocare’s Notice of Motion, Motion and Memorandum of Points and Authorities in Support
 25 to Exclude the Testimony and Findings of Plaintiffs’ Expert Witness, Gregory B. Taylor, and to
 26 Limit Testimony Regarding Damages from January 30, 2009 to February 27, 2009, the outcome
 27 of which will affect the trial currently set to begin April 6, 2009. Accordingly, the parties hereby
 28 stipulate to continue the pretrial conference currently scheduled for March 20, 2009 and trial in

CASE No. C05-04276 PVT

-1-

STIPULATION AND ORDER TO CONTINUE TRIAL DATE

1 the instant matter, currently scheduled for April 6, 2009 in Courtroom 3 of this Court, be
2 continued to a date convenient to the Court's calendar no sooner than the week of June 8, 2009
3 and that all discovery cut off dates, including expert discovery, and all attendant Standing Order
4 deadlines shall be due based on the new pretrial conference and trial dates.

5
6 IT IS SO STIPULATED.

7
8 DATED: JANUARY 5, 2009

BERLINER COHEN

9
10 BY: /s/ JOSEPH E. DWORAK

11 JOSEPH E. DWORAK
12 ATTORNEYS FOR DEFENDANT
ARTHRO CARE CORPORATION

13 DATED: JANUARY 4, 2009

CORSIGLIA, McMAHON & ALLARD, LLP

14
15 BY: /s/ BRADLEY M. CORSIGIA

16 BRADLEY M. CORSIGIA
17 ATTORNEYS FOR PLAINTIFFS ALLIED HEALTH
ASSOCIATION, INC. AND KENNETH P. CALLISON

18
19 ORDER

20 IT IS HEREBY ORDERED that the pretrial conference set for March 20, 2009 is hereby
21 continued to June 12, 2009 and trial set for April 6, 2009 in Courtroom 3 in the above-
22 referenced matter is hereby continued to June 19, 2009 at 9:00 a.m. in Courtroom 3.
23 All discovery cut off dates, including expert discovery, and all attendant Standing Order
24 deadlines shall be due based on the new pretrial conference and trial dates.

25 Date: 1/6/09

26 
27 THE HONORABLE JEREMY FOGEL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION OF JOSEPH E. DWORAK RE APPROVAL OF COUNSEL

I am one of the attorneys for Defendant Arthrocare Corporation, the party electronically filing this Stipulation. I attest that counsel for the Plaintiffs have advised that the content of this Stipulation For Continuance of Pretrial Conference and Trial and Order Thereon is acceptable to them based on the Stipulation For Continuance of Pretrial Conference and Trial and Order Thereon executed on January 4, 2009 and filed with this Court on January 5, 2009.

January 5, 2009

/s/ Joseph E. Dworak
JOSEPH E. DWORAK