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7 Attorneys for Plaintiff  
PIERRE LEBON HOFFMAN

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 PIERRE LEBON HOFFMAN,  
14 Plaintiff,  
15 v.  
16 DR. CHARLES LEE,  
17 Defendant.

Case No. C 06-02248 JW (PR)

18  
19 **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR DEPOSITION OF DEFENDANT'S REBUTTAL EXPERT**

Judge: Honorable James Ware

19 Pursuant to Civil Local Rule 6-2, Plaintiff Pierre Lebon Hoffman and Defendant Charles  
20 D. Lee, M.D., by and through their respective counsel of record, stipulate and agree as follows:

21 WHEREAS, on October 2, 2009, the parties Stipulated to a revised modified case  
22 schedule, entered by the Court as Docket No. 97, setting, among other things, the following dates:

23 (i) Disclosure of Defendant's Rebuttal Expert and Rebuttal Expert Report, October 16,  
24 2009;

25 (ii) Plaintiff's Motion to Exclude the Rebuttal Expert or Portions of the Rebuttal Expert  
26 Report, November 9, 2009;

27 (iii) Hearing Date on Plaintiff's Motion to Exclude the Rebuttal Expert or Portions of the  
28 Rebuttal Expert Report, December 14, 2009; and

1 (iv) Deadline for Plaintiff To Depose Defendant's Rebuttal Expert, December 18, 2009.

2 WHEREAS, in addition, the parties stipulated that they would contact Judge Nandor J.  
3 Vadas to schedule a Continued Settlement Conference, seeking a date in accordance with his and  
4 the parties' availability, following as closely as possible the December 14 hearing date on the  
5 parties' motions;

6 WHEREAS, for purposes of efficiency, the parties intended for the stipulated deadline for  
7 Plaintiff to depose Defendant's Rebuttal Expert (December 18, 2009) to take place *after* the  
8 hearing date on Plaintiff's motion to exclude Defendant's Rebuttal Expert (December 14, 2009)  
9 and, if possible, *after* the Continued Settlement Conference with Judge Vadas;

10 WHEREAS, on November 30, 2009, the parties were notified that the hearing date for  
11 Plaintiff's motion has been moved to December 21, 2009 (Dkt. No. 110);

12 WHEREAS, the parties have now learned that Judge Vadas' earliest available date for a  
13 settlement conference is during the first week of February, 2010;

14 WHEREAS, the parties agree that to avoid unnecessary expense, the deadline for Plaintiff  
15 to depose Defendant's Rebuttal Expert should be re-scheduled to occur after the Court's ruling on  
16 Plaintiff's pending motion, and after the settlement conference with Judge Vadas;

17 WHEREAS, moving this deadline will not affect any other pending deadlines in this  
18 matter.

19 NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE that the deadline for  
20 Plaintiff to depose Defendant's Rebuttal Expert, if necessary, shall be February 26, 2010.

21 Respectfully submitted,

22  
23 DATED: December 10, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

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25 By: /s/ Julia D. Greer  
JULIA D. GREER

26 Attorneys for Plaintiff  
27 PIERRE LEBON HOFFMAN

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DATED: December 9, 2009

EDMUND G. BROWN JR.  
ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA

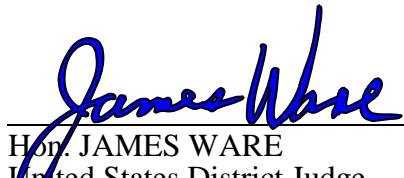
PAUL T. HAMMERNESS  
Supervising Deputy Attorney General

By: /s/ Troy B. Overton  
TROY B. OVERTON  
Deputy Attorney General

Attorneys for Defendant  
DR. CHARLES D. LEE

**IT IS SO ORDERED**

DATED: December 14, 2009

By:   
Hon. JAMES WARE  
United States District Judge  
Northern District of California

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ATTESTATION PER GENERAL ORDER 45, § X.B.

I hereby attest that Troy B. Overton, counsel for Defendant, concurs in the filing of this document, and that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

DATED: December 10, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

By: /s/ Julia D. Greer  
JULIA D. GREER  
Attorneys for Plaintiff  
PIERRE LEBON HOFFMAN