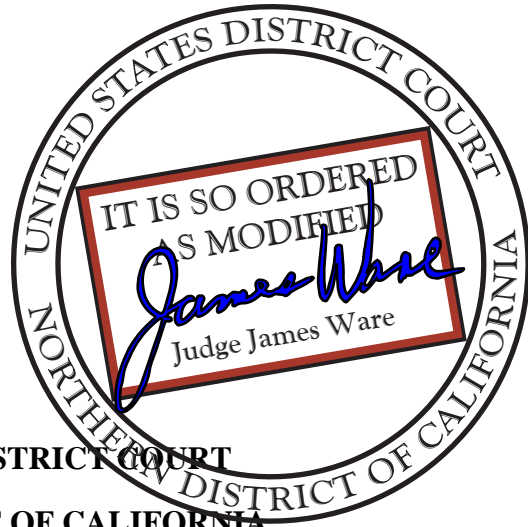


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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 PIERRE LEBON HOFFMAN,
 12
 Plaintiff,
 13
 v.
 14 DR. CHARLES LEE,
 15
 Defendant.

Case No. C 06-02248 JW (PR)

16 **STIPULATED [PROPOSED] ORDER FOR**
MODIFIED CASE SCHEDULE

Dept: 8, 4th Floor
 Judge: Honorable James Ware

17
 18 On September 9, 2009, this Court granted Plaintiff's Motion to file a First Amended
 19 Complaint, and Defendant's Motion to Introduce Testimony of a Rebuttal Expert. On September
 20 23, 2009, the parties met with Magistrate Judge Nandor J. Vadas for a Settlement Conference.
 21 Although the parties did not reach settlement on that date, the parties believe that a further
 22 settlement conference may be productive after the Court rules on certain anticipated trial motions.
 23 In accordance with the Court's September 9, 2009 Order, the parties submit this Stipulated
 24 Proposed Order for a Modified Case Schedule:

25 1. Defendant shall respond to plaintiff's First Amended Complaint no later than
 26 **October 9, 2009**. If Defendant chooses to file a motion pursuant to Federal Rule of Civil
 27 Procedure 12(b), said motion will be heard on **December 14, 2009 at 9:00 a.m.**, or at a time and
 28 date convenient to the Court.

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- 1 2. Defendant will depose Plaintiff’s expert no later than **October 16, 2009**.
- 2 3. If Defendant chooses to designate a rebuttal expert pursuant to the Court’s
- 3 September 9, 2009 Order, Defendant will serve on all other parties the name, address,
- 4 qualifications, resume and a written report which complies with Federal Rule of Civil Procedure
- 5 26(a)(2)(B) regarding this rebuttal expert no later than **October 16, 2009**.
- 6 4. If Plaintiff objects to the qualifications or proposed testimony of Defendant’s
- 7 rebuttal expert, Plaintiff may file and serve, no later than **November 9, 2009**, a motion to exclude
- 8 the expert or any portion of the expert’s testimony in accordance with Civil Local Rule 7-2
- 9 (“Motion to Exclude”). Said motion will be heard on **December 14, 2009 at 9:00 a.m.**, or at a
- 10 time and date convenient to the Court.
- 11 5. The parties will contact Judge Nandor J. Vadas to schedule a Continued Settlement
- 12 Conference, seeking a date in accordance with his and the parties’ availability, following as
- 13 closely as possible the December 14, 2009 hearing date on the parties’ motions.
- 14 6. Plaintiff shall depose Defendant’s rebuttal expert no later than **December 18, 2009**.
- 15 The parties shall appear for a Preliminary Pretrial Conference on **January 25, 2010 at**
- 16 **11 a.m.** On or before January 15, 2010, the parties shall file a Joint Preliminary Pretrial
- 17 Conference Statement. The Statement shall include, among other things, an update on the parties’
- 18 settlement efforts, and the parties’ proposed trial schedule.
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IT IS SO STIPULATED AS MODIFIED.

DATED: September 28, 2009 COBLENTZ, PATCH, DUFFY & BASS LLP

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


DATED: September 28, 2009 EDMUND G. BROWN JR.
ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA

PAUL T. HAMMERNESS
Supervising Deputy Attorney General

By: /s/
TROY B. OVERTON
Deputy Attorney General
Attorneys for Defendant
DR. CHARLES D. LEE

IT IS SO ORDERED AS MODIFIED.

DATED: October 2, 2009

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