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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 MISHA CONSULTING GROUP, INC., a
6 California corporation, d/b/a eBUSINESS
DESIGN,

7 Plaintiff/CounterDefendant,

8 v.

9 SOURCE MEDICAL SOLUTIONS, INC., a
10 Delaware corporation,

11 Defendant/CounterPlaintiff.
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Action Filed: October 9, 2002

No. C02-04908 JW (HRL)

STIPULATED REQUEST FOR ORDER
CHANGING TIME FOR DISCLOSURE OF
EXPERT WITNESSES AND REBUTTAL
EXPERT WITNESSES AND FOR CLOSE
OF DISCOVERY

14 WHEREAS the Plaintiff MISHA CONSULTING GROUP, INC. d/b/a eBUSINESS DESIGN
15 and Defendant SOURCE MEDICAL SOLUTIONS, INC. hereby file this stipulation, conforming to
16 Local Rules 6-2 and 7-11, requesting an order extending the deadline for disclosure of expert
17 witnesses to January 30, 2004, disclosure of rebuttal expert witnesses until February 10, 2004, the
18 deadline for hearing any motions to exclude experts or expert testimony to March 1, 2004, and the
19 close of discovery until March 1, 2004, and the parties state as follows:

20 1. There is currently a December 31, 2003 deadline for the parties to disclose expert
21 witnesses and a January 12, 2004 deadline to disclose rebuttal expert witnesses. Pursuant to the
22 Court's February 27, 2003 Scheduling Order, the close of discovery is currently scheduled for
23 February 5, 2004.

24 2. Discovery has not been completed in this action and thus the parties are in agreement
25 that their proposed respective experts are not able to complete their necessary work prior to the
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1 December 31, 2003 deadline. As a result, the experts will be unable to timely submit reports fully
2 compliant with Federal Rule of Civil Procedure 26(a)(2)(B) as currently required by the Court.

3 3. Therefore the parties stipulate to an extension of the deadline for disclosure of expert
4 witnesses until January 30, 2004 in order to allow their respective experts to take into consideration
5 all further discovery by the parties. In addition, the parties stipulate to an accompanying extension
6 of the deadline for rebuttal expert witnesses to February 10, 2004, in order to allow their respective
7 experts time to sufficiently review the disclosures and reports of the opposing party's experts.

8 4. Given the agreed-to extensions of the deadlines for expert disclosure, the parties also
9 stipulate to an extension of the deadline for hearing any motions to exclude experts or expert
10 testimony to March 1, 2004.

11 5. Finally, to allow sufficient time for the deposition of expert witnesses, the parties also
12 agree that the close of discovery should be extended until March 1, 2004.

13 6. Given that the trial of this matter is not set until July 13, 2004, and none of the other
14 deadlines will be affected by these proposed changes, the parties believe that the stipulated extension
15 should in no way impede the progress of the case or prejudice either side or the Court.

16 7. All other dates set forth in the Court's Scheduling Order remain unaffected by this
17 Stipulation and the parties agree that they will comply with all other deadlines stated in the Scheduling
18 Order.

19 8. This stipulation is being filed in good faith and in the best interests of justice.

20 9. Pursuant to General Order 45, Section X(B) of this Court, Plaintiff's counsel Jason
21 Gerlach has been duly authorized by Defendant's counsel to electronically file this stipulation, as well
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1 as the concurrently-filed Proposed Order, on both parties' behalf using his ECF User ID and Password
2 in lieu of signature by Defendant's counsel.

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4 Dated: December 31, 2003. SIDLEY AUSTIN BROWN & WOOD LLP

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By: s/Tracy J. Phillips
TRACY J. PHILLIPS
Attorneys for Defendant
Source Medical Solutions, Inc.

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9 Dated: December 31, 2003. HOWARD, RICE, NEMEROVSKI, CANADY,
10 FALK & RABKIN

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By: s/Jason S. Gerlach
JASON S. GERLACH
Attorneys for Plaintiff
Misha Consulting Group, Inc.

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