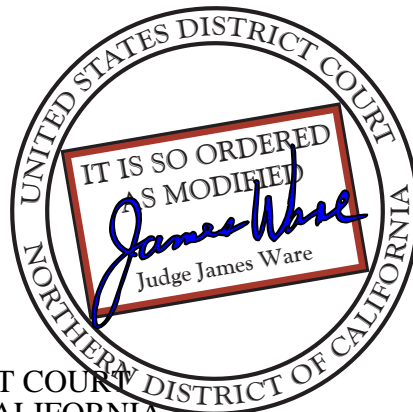


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Attorney for Plaintiff Netbula, LLC
and Counter-Defendant Dongxiao Yue



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONGXIAO YUE,

Plaintiff,

v.

CHORDIANT SOFTWARE INC., *et al.*,

Defendants

) CASE NO. CV 08-00019-JW
)
) **JOINT CASE MANAGEMENT**
) **STATEMENT**
)
) **ORDER CONTINUING CASE**
) **MANAGEMENT CONFERENCE**
)
)
)
)

1. Background.

This case was commenced on January 2, 2008. On July 24, 2008, the Court granted Defendants' Motion to dismiss the complaint due to lack of representation of the corporate Plaintiff, granting leave to file an amended complaint by September 8, 2008. The Court also granted Defendant Oliver Wilson's motion to dismiss him as a party and denied Plaintiff's motion to disqualify Fenwick & West as counsel. Netbula, LLC and Dr. Dongxiao Yue have recently retained counsel, counsel entered his appearance on September 2, 2008, and counsel will have filed the amended complaint by September 8, 2008.

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2. Discovery.

No discovery has yet been taken in this matter, and the pleadings have not closed.

3. Motions.

Plaintiffs do not at this time see the need for any motions, but may after the case has progressed. Plaintiff anticipates that a protective order may be required to facilitate discovery.

Chordiant Software, Inc. (“Chordiant”) is presently unable to identify what motions may be required as it has not been served with a complaint and does not yet know what defendants will be named in this case or what claims will be asserted against them..

4. Evidence Preservation.

Plaintiff requests an order preserving evidence, as follows:

The Parties shall not destroy, conceal, or alter any paper or electronic files, other data and metadata generated by and/or stored on your computer systems and storage media (e.g., hard disks, floppy disks, backup tapes), or any other electronic data, such as voicemail, if such files might contain any information related to, or likely to lead to information concerning, any factual issue in this matter. This includes, without limitation: email and other electronic communications; word processing documents; spreadsheets; data bases; calendars; telephone logs; contact manager information; internet usage files; offline storage or information stored on removable media; information contained on laptops, personal digital assistants, or other portable devices; and network access information. The parties reserve their rights to object to the production of electronic communications to the extent provided by F. R. Civ. Proc. Rule 34.

Chordiant does not believe that an evidence preservation order is warranted, and further believes that the order proposed by plaintiff, which requires preservation of

1 any materials that “might” contain “any information related to any factual issue in this
2 matter” is vague, overly broad and unduly burdensome.

3 **5. Scheduling.**

4 Chordiant is not presently able to address scheduling, as it has not been
5 served with the complaint and does not yet know what defendants will be named in this
6 case or what claims will be asserted against them.

7 Plaintiff requests the following discovery and trial schedule:

- 8 a. All written discovery to be served no later than June 1, 2009;
- 9 b. All discovery to be completed no later than July 1, 2009;
- 10 c. All discovery motions concerning matters other than Expert
11 Testimony shall be heard no later than August 1, 2009;
- 12 d. Disclosure of Expert Testimony to be completed by August 1,
13 2009;
- 14 e. Depositions of Expert Witnesses may be taken between
15 September 1, 2009 and September 20, 2009; and
- 16 f. Any dispositive motions shall be set for hearing no later than
17 October 5, 2009.
- 18 g. Pretrial Disclosures shall be made on October 26, 2009.
- 19 h. Pretrial Conference shall be held on _____, 2009,
20 at _____:_____ _____m

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24 2. Trial: Plaintiff request a trial date as follows: November 30, 2009. Plaintiff
25 anticipates that Trial will last approximately five to ten days. Plaintiff will request a Jury
26 Trial.

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For the reasons stated above, Chordiant is not presently able to address the time or duration of trial.

In the absence of an operative complaint, Chordiant is also unable to address potential issues of jurisdiction, anticipated motions and pleadings, or ADR. Chordiant requests that the Court set a further Case Management Conference in 60-90 days to address scheduling, after Chordiant has been served with the Amended Complaint and has had an opportunity to prepare and file a response.

DATED: September 5, 2008

_____/S/_____
Antonio L. Cortes,
Counsel for Plaintiffs


DATED: September 5, 2008

_____/S/_____
Jedediah Wakefield, Fenwick & West, LLP,
Counsel for Chordiant Software, Inc.

***** ORDER *****

Since the Amended Complaint was served on September 8, 2008, the Court finds good cause to continue the Case Management conference currently set for September 15, 2008 to **November 17, 2008 at 10 a.m.** On or before **November 17, 2008**, the parties shall file their Joint Case Management Statement. The Statement shall set forth a good faith discovery plan with a proposed date for the close of all discovery.

Dated: September 11, 2008



JAMES WARE
United States District Judge

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