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 LANDMARK SCREENS, LLC

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN JOSE DIVISION
 20

21 LANDMARK SCREENS, LLC, a Delaware
 Limited Liability Company,

Plaintiff,

v.

24 MORGAN, LEWIS & BOCKIUS LLP, a
 25 limited liability partnership; and THOMAS D.
 KOHLER, an individual,

Defendants.

Case No. 5:08-cv-2581 JF

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND NOVEMBER 23,
 2010 FACT DISCOVERY DEADLINE**

Judge: Honorable Jeremy Fogel
 Courtroom 3, 5th Floor

Date Comp. Filed: May 21, 2008

Trial Date: June 20, 2011

1 This stipulation is entered into by and between Plaintiff Landmark Screens, LLC and
2 Defendants Morgan, Lewis & Bockius LLP and Thomas D. Kohler as follows:

3 WHEREAS, on August 13, 2010, Magistrate Judge Lloyd granted in part Morgan
4 Lewis's Motion to Compel Fed. R. Civ. P. 30(b)(6) Designations and Testimony of Landmark
5 Screens, LLC, and ordered Landmark to designate witnesses for Rule 30(b)(6) Topics 7, 8, 11-
6 14, 15-16, 34-35, 45-47 [Docket No. 138];

7 WHEREAS, on August 27, 2010, Landmark Screens filed a Motion for Relief,
8 challenging Magistrate Judge Lloyd's order as it pertains to Rule 30(b)(6) Topics 7, 8, 11-14
9 [Docket No. 144];

10 WHEREAS, the parties have completed briefing on Landmark's Motion for Relief
11 [Docket Nos. 159 (Opposition) and 167 (Reply)];

12 WHEREAS, Landmark's Motion for Relief is still pending before the court;

13 WHEREAS, on August 27, 2010, the Court entered a Stipulation and Order extending the
14 fact discovery deadline to October 21, 2010 for the purpose of completing the parties' previously
15 noticed depositions, including the remaining Rule 30(b)(6) deposition(s) from Landmark
16 [Docket No. 143 (Stip. and Order)];

17 WHEREAS, on October 25, 2010, the Court entered a Stipulation and Order extending
18 the fact discovery deadline to November 23, 2010 for the purpose of completing the remaining
19 Rule 30(b)(6) deposition(s) from Landmark [Docket No. 176 (Stip. and Order)];

20 WHEREAS, the October 25, 2010 Stipulation and Order states that "[s]hould the parties
21 be unable to complete the depositions prior to November 23, 2010, despite best efforts to
22 coordinate scheduling, the fact discovery cut-off shall be further extended as necessary for that
23 limited purpose";

24 WHEREAS, Landmark will designate the witness or witnesses to testify on the
25 outstanding 30(b)(6) topics after the Court rules on the pending Motion for Relief;

26 WHEREAS, the parties require additional time to complete the remaining Rule 30(b)(6)
27 deposition(s) from Landmark;

28 WHEREAS, the parties agree that extension of the fact discovery deadline for the

1 purpose of completing the Rule 30(b)(6) deposition(s) of Landmark Screens, LLC is warranted;

2 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through
3 their respective counsel of record, that:

4 (1) the fact discovery deadline shall be extended to January 21, 2011 for the
5 limited purpose of completing the Rule 30(b)(6) deposition(s) of Landmark
6 Screens, LLC, pursuant to Magistrate Judge Lloyd's August 13, 2010 Order (Dkt.
7 No. 138) and any order issued with respect to Landmark Screens, LLC's August
8 27, 2010 Motion for Relief (Dkt. No. 144); and

9 (2) should the parties be unable to complete these depositions prior to January 21,
10 2011, despite best efforts to coordinate scheduling, the fact discovery deadline
11 shall be further extended as necessary for this limited purpose.
12

13
14 IT IS SO STIPULATED.
15

16 Dated: November 23, 2010

KEKER & VAN NEST LLP

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19 By: /s/ John E. Trinidad
20 JOHN E. TRINIDAD
21 Attorneys for Defendants
22 MORGAN, LEWIS & BOCKIUS LLP
23 and THOMAS D. KOHLER
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Dated: November 23, 2010

HAYNES AND BOONE, LLP

By: /s/ Clark S. Stone
CLARK S. STONE
Attorneys for Plaintiff
LANDMARK SCREENS, LLC

Filer's Attestation: Pursuant to General Order No. 45, Section X.B. regarding non-filing signatories, John E. Trinidad hereby attests that concurrence in the filing of this Stipulation and [Proposed] Order has been obtained from Clark S. Stone.

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/2/2010, _____



HON. JEREMY FOGEL
United States District Court Judge