

CHARLES R. ROE (Bar No. 112732)  
SAMUELSON, WILSON & ROE  
210 North Fourth Street, Suite 201  
San Jose, CA 95112  
Telephone: (408) 790-5320  
Facsimile: (408) 295-5799

**\*\*E-Filed 3/1/2011\*\***

Attorneys for Plaintiff  
DAVID KOLKER

THOMAS M. MCINERNEY, State Bar No. 162055  
tmm@ogletreedeakins.com  
MICHAEL J. NADER, State Bar No. 200425  
michael.nader@ogletreedeakins.com,  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
One Market Plaza  
San Francisco, CA 94105  
Telephone: 415.442.4810  
Facsimile: 415.442.4870

Attorneys for Defendant  
COVIDIEN

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT – SAN JOSE**

DAVID KOLKER,  
  
Plaintiff,  
  
v.

VNUS MEDICAL TECHNOLOGIES, INC.,  
COVIDIEN and DOES 1-20,  
  
Defendants.

Case No. 5:10-cv-00900-JF  
CORRECTED<sup>1</sup>

**JOINT STIPULATION AND PROPOSED  
ORDER RE CASE MANAGEMENT DATES**

Action Filed: December 1, 2009

<sup>1</sup> This corrected stipulation and order is issued to correct clerical errors in the original. Specifically, at the last Case Management Conference the Court set trial for December 5, 2011 and a pretrial conference for November 18, 2011.

1       Whereas, on January 28, 2011, this Court held a Case Management Conference on this  
2 case;

3       Whereas, at the Case Management Conference, this Court designated a trial date of  
4 December ~~2~~<sup>5</sup>, 2011, and a pre-trial conference date for November ~~14~~<sup>18</sup>, 2011;

5       Whereas, pursuant to this Court's request on February 7, 2011, the Parties to the above  
6 entitled action (a) have met and conferred, (b) jointly submit this Stipulation and Proposed Order,  
7 and (c) request this Court to adopt it as an amendment to its Case Management Order; and

8       NOW THEREFORE, IT IS HEREBY STIPULATED by the Parties herein, through their  
9 counsel of record, as follows:

- 10       1.     Fact Discovery shall be completed on or before September 2, 2011;
- 11       2.     Rule 26 Disclosure of experts by September 2, 2011. Disclosure of any  
12 supplemental experts by September 16, 2011;
- 13       3.     Dispositive motions shall be filed by September 30, 2011;
- 14       4.     Expert discovery shall be completed on or before October 14, 2011;  
15       5.     Pre-trial conference on November ~~14~~<sup>18</sup>, 2011, as already ordered by this Court; and  
16       6.     Trial date of Monday, December ~~2~~<sup>5</sup>, 2011, as already ordered by this Court.

17  
18 DATED: February 10, 2011

SAMUELSON, WILSON & ROE

19  
20 By: /s/ Charles R. Roe  
21 CHARLES R. ROE  
22 Attorneys for Plaintiff DAVID KOLKER

23                   *(signatures continued on following page)*  
24  
25  
26  
27  
28

1  
2 DATED: February 10, 2011

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

3  
4 By: /s/ Michael J. Nader  
5 Thomas J. McInerney  
6 Michael J. Nader  
7 Attorneys for Defendant  
8 COVIDIEN  
9

10 **~~{PROPOSED}~~ ORDER**

11 GOOD CAUSE APPEARING, IT IS SO ORDERED.

12 DATED: 3/1/2011

13   
14 Hon. Jeremy Fogel  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28