

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RADWARE, LTD.; RADWARE, INC.,
Plaintiffs, Counterclaim-Defendants,
v.
A10 NETWORKS, INC.,
Defendant, Counterclaim-Plaintiff.

Case Nos. C-13-02021, C-13-02024 RMW
(related)

**ORDER RE: JOINT DISCOVERY
DISPUTE NO. 1 RE SMADAR FUKS
DEPOSITION**

RADWARE, LTD.; RADWARE, INC.,
Plaintiffs, Counterclaim-Defendants,
v.
F5 NETWORKS, INC.,
Defendant, Counterclaim-Plaintiff.

The issue regarding Smadar Fuks' deposition is back before the court after the parties could not agree to a stipulation, despite having agreed in principle to a stipulation which was read into the record at the hearing on February 14, 2014. The court has reviewed the papers submitted by both parties, including the parties' correspondence following the February 14, 2014 hearing leading to the instant dispute. Below is a draft stipulation prepared by the court. The court has considered the

1 parties' respective concerns in preparing the draft stipulation. If the parties cannot agree to this or
2 any other stipulation prior to 5 p.m. (PST) on Tuesday, March 11, 2014, the court will schedule a
3 case management conference for Wednesday, March 12, 2014 at 3:00 p.m. to otherwise resolve this
4 issue.

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6 **Draft stipulation:**

7 A10 Networks, Inc. ("A10"), F5 Networks, Inc. ("F5"), Radware, Ltd. and Radware, Inc.
8 (collectively, "Radware"), and Smadar Fuks agree as follows:

9 A10 and F5 may take the deposition of Smadar Fuks at a mutually convenient location in
10 Israel. The deposition will take place before the end of April, though the parties will reasonably
11 accommodate Ms. Fuks should holidays or other reasonable conflicts prevent a deposition within
12 this timeframe. The deposition will last for up to 10 hours, but will be reasonably extended should
13 any translation issues materially slow the deposition. The deposition will follow standard American
14 procedures under the Federal Rules of Civil Procedure. A10 and F5 may ask Ms. Fuks any question,
15 except as to her current employment or issues of privilege. Ms. Fuks by participating in the
16 deposition will not subject herself to the jurisdiction of the United States except to the extent
17 necessary to carry out this stipulation.

18 Additional time for the deposition for questioning by Radware may be agreed upon by Ms.
19 Fuks and Radware. Any Radware questioning will not count against the 10 hours given A10 and F5
20 for Ms. Fuks' deposition, and A10 and F5 will have the right to re-cross Ms. Fuks should Radware
21 take direct testimony from Ms. Fuks and raise new unforeseen facts.

22 The motion to compel and the motion for issuance of a letter of request remain under
23 submission. This stipulation is binding on Ms. Fuks. Should Ms. Fuks renege on this stipulation, the
24 motion to compel and the motion for issuance of a letter of request will be promptly reconsidered by
25 the court.

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Dated: March 6, 2014



RONALD M. WHYTE
United States District Judge