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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FINISAR CORPORATION,  
Plaintiff,  
v.  
NISTICA, INC.,  
Defendant.

Case No. [13-cv-03345-BLF](#)

**ORDER REGARDING SCHEDULING  
IN CONNECTION WITH  
APPOINTMENT OF SPECIAL MASTER**

The Court has indicated its intent to appoint Robert B. Morrill as special master to oversee summary judgment in this case, subject to his filing of an affidavit under 28 U.S.C. § 455. The parties are hereby directed to begin meeting and conferring regarding a schedule for summary judgment including deadlines for:

- (1) briefing before the special master;
- (2) a hearing (if any) before the special master;
- (3) timeline for the special master’s report and recommendation;
- (4) briefing for the parties’ response to the special master’s report; and
- (5) a hearing (if any) before the Court regarding the special master’s report.


The parties shall provide a stipulated proposed schedule to the Court **by no later than August 21, 2015**. Upon receipt of the proposed schedule, the Court will determine whether the present trial date remains viable.

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The parties are requested not to have ex parte communications with the special master  
except for scheduling and administrative matters.

**IT IS SO ORDERED.**

Dated: August 7, 2015

  
BETH LABSON FREEMAN  
United States District Judge