

1 MATTHEW D. POWERS (S.B. #212682)  
mpowers@omm.com  
2 VICTORIA L. WEATHERFORD (S.B. #267499)  
vweatherford@omm.com  
3 O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
4 San Francisco, California 94111-3823  
Telephone: (415) 984-8700  
5 Facsimile: (415) 984-8701

6 Attorneys for Defendant  
APPLE INC.

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8 **UNITED STATES DISTRICT COURT**  
9  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11  
12 **SAN JOSE DIVISION**

11 NOAM LAZEBNIK, M.D., on behalf of  
12 himself and all other similarly situated,

13 Plaintiff,

14 v.

15 APPLE, INC.,

16 Defendant.

Case No. 5:13-CV-04145-EJD

JUDGE EDWARD J. DAVILA

17 **STIPULATION AND [PROPOSED]**  
18 **ORDER EXTENDING FACT**  
19 **DISCOVERY DEADLINE**

Complaint filed: September 6, 2013

Trial date: None set

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, Plaintiff Noam Lazebnik, M.D.  
2 (“Plaintiff”), and Defendant Apple Inc. (“Defendant” or “Apple”) hereby submit this Stipulation  
3 Extending the Fact Discovery Deadline listed in this Court’s Stipulation and Order Extending  
4 Deadlines in Case Management Order [Dkt. 36] by twenty one (21) days, to September 29, 2014,  
5 for the limited purposes of allowing Plaintiff to take: (1) the deposition of Apple employee Josh  
6 Lippman, which is currently scheduled for September 16, 2014; (2) any further depositions that  
7 become reasonably necessarily in light of the testimony of Mr. Lippman (if any); and (3) the  
8 depositions of Apple employees Larry Phillips and Mark Buckley (if necessary).

9 As set forth in this Stipulation and the accompanying Declaration of Victoria L.  
10 Weatherford (“Weatherford Decl.”), the reason for this stipulated request is that Plaintiff has been  
11 unable to depose Mr. Lippman before the fact discovery deadline due to Mr. Lippman’s  
12 scheduling constraints. The parties have previously stipulated to extend Apple’s time to respond  
13 to Plaintiff’s Complaint on two occasions, the case management deadlines on two occasions,  
14 including the fact discovery deadline specifically on one of these occasions, and the briefing  
15 schedule for Apple’s Motion for Judgment on the Pleadings. Accordingly,

16 WHEREAS, Plaintiff served its first set of discovery on Apple on January 8, 2014, Apple  
17 served its objections and responses to Plaintiff’s first set of discovery on February 10, 2014, the  
18 parties exchanged initial disclosures on January 24, 2014, Apple served its first set of discovery  
19 on Plaintiff on July 3, 2014 and its amended responses to Plaintiff’s first set of discovery requests  
20 on July 25, 2014, and Plaintiff served its objections and responses to Apple’s first set of discovery  
21 on August 6, 2014;

22 WHEREAS, Plaintiff served its first production of documents on Apple on August 6,  
23 2014, and Apple served its first production of documents on Plaintiff on August 8, 2014, and its  
24 second document production on August 15, 2014;

25 WHEREAS, Apple deposed named plaintiff Dr. Noam Lazebnik on August 11, 2014, and  
26 third party witness Jeremy Tor on August 13, 2014;

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1 WHEREAS, Plaintiff will be unable to take the deposition of Josh Lippman before the  
2 September 8, 2014 fact discovery deadline because of the witness's schedule;

3 WHEREAS, although the Parties anticipate that the deposition of Mr. Lippman will be the  
4 only other deposition necessary in this matter, since Mr. Lippman has not yet been deposed  
5 Plaintiff reserves his right to seek depositions of: (1) Mr. Phillips, (2) Mr. Buckley, and/or (3)  
6 others whose testimony becomes reasonably necessary in light of the testimony of Mr. Lippman  
7 (if any).

8 The parties hereby STIPULATE and agree, subject to Court approval, to extend the  
9 September 8, 2014 fact discovery deadline by twenty-one (21) days, to September 29, 2014, for  
10 the limited purpose of allowing Plaintiff to take the deposition of Josh Lippman (and the other  
11 depositions noted above, if necessary). The extension will not extend the fact discovery period  
12 for any other purpose and all other deadlines in the Stipulation and Order Extending Deadlines in  
13 the Case Management Order [Dkt. No. 37] will remain unchanged.

14  
15 Respectfully submitted,

16 Dated: August 22, 2014

/s/ Victoria L. Weatherford

MATTHEW D. POWERS (CA Bar No. 212682)  
VICTORIA L. WEATHERFORD (CA Bar No.  
267499)

**O'MELVENY & MYERS, LLP**  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111  
(415) 984-8700  
(415) 984-8701 (FAX)  
*mpowers@omm.com*  
*vweatherford@omm.com*

***Counsel for Defendant Apple Inc.***

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Dated: August 22, 2014

/s/ Matthew R. Wilson  
MATTHEW R. WILSON (CA Bar No. 290473)  
MICHAEL J. BOYLE, JR. (CA Bar No. 258560)  
**MEYER WILSON CO., LPA**  
1320 Dublin Road, Suite 100  
Columbus, OH 43215  
(614) 224-6000  
(614) 224-6066 (FAX)  
*mwilson@meyerwilson.com*  
*mboyle@meyerwilson.com*

NICHOLAS DICELLO (OH Bar No. 0075745)  
(admitted *Pro Hac Vice*)  
DANIEL FRECH (OH Bar No. 0082737)  
(admitted *Pro Hac Vice*)  
**SPANGENBERG SHIBLEY & LIBER LLP**  
1001 Lakeside Avenue East, Suite 1700  
Cleveland, OH 44114  
(216) 696-3232  
(216) 696-3924 (FAX)  
*ndicello@spanglaw.com*  
*dfrech@spanglaw.com*

*Counsel for Plaintiff and the Proposed Class*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August 25, 2014

  
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Hon. Edward J. Davila  
United States District Judge