

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WAKA, LLC,

Plaintiff-Counterclaim Defendant,

v.

DC KICKBALL,

and

CARTER RABASA, Individually

Defendants-Counterclaim Plaintiffs.

Civil Action No. 1:06cv00984 EGS

**JOINT MOTION TO MODIFY SCHEDULING ORDER TO EXTEND
REBUTTAL EXPERT REPORT DEADLINE**

Plaintiff-Counterclaim Defendant WAKA, LLC (“Plaintiff”), and Defendant-Counterclaim Plaintiffs DC Kickball and Carter Rabasa (collectively “Defendants”), jointly request the Court to modify the Amended Scheduling and Magistrate Referral Order (“Scheduling Order”) dated October 10, 2007 to extend the deadline for rebuttal expert reports, and would respectfully show unto the Court as follows:

I.

On August 3, 2007, Plaintiff designated Stan V. Smith, Ph.D., as a trial expert respecting Plaintiff’s damage claims. Plaintiff has provided Defendants with a copy of Mr. Smith’s report, but has not disclosed certain financial information and documents reviewed and/or relied upon by Mr. Smith. Plaintiff maintains that such information is proprietary and confidential, and will not disclose this information without a protective

order. Plaintiff's counsel forwarded a proposed protective order to Defendants on August 3, 2007, along with Mr. Smith's report. The Parties have entered into discussions regarding the entry of a protective order.

II.

Under the current Scheduling Order, the deadline for providing reports of rebuttal experts is September 3, 2007. Defendants have requested that Plaintiff make its damages expert available for deposition, but without an opportunity to cross examine Plaintiff's damages expert regarding the financial information and documents his opinions are based on, Defendants cannot develop information necessary to obtain a rebuttal expert report.

III.

In order to address this situation, the Parties jointly request that the Court extend the rebuttal expert report deadline in the Scheduling Order from September 3, 2007 until September 25, 2007. This extension will provide the Parties with additional time to reach an agreement regarding the protective order, or if no agreement can be reached, to submit the matter to the Court for resolution, while still providing Defendants with sufficient time to develop the information necessary to obtain a rebuttal expert report.

Respectfully submitted,

DATED: August 22, 2007

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