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16 DEMOCRATIC UNDERGROUND, LLC, and
Defendant DAVID ALLEN

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF NEVADA**

19 RIGHTHAVEN LLC, a Nevada limited liability company, Case No. 2:10-01356-RLH (GWF)

20 Plaintiff,

21 v.

22 DEMOCRATIC UNDERGROUND, LLC, a District of
Columbia limited-liability company; and DAVID ALLEN,
an individual,

23 Defendants.

**JOINT STIPULATION AND
[PROPOSED] ORDER
RESETTING DISCOVERY
SCHEDULE**

24 DEMOCRATIC UNDERGROUND, LLC, a District of
Columbia limited-liability company,

25 Counterclaimant,

26 v.

27 RIGHTHAVEN LLC, a Nevada limited liability company,
and STEPHENS MEDIA LLC, a Nevada limited-liability
company,

28 Counterdefendants.

JOINT STIP AND [PROPOSED] ORDER
RESETTING DISCOVERY SCHEDULE

CASE NO. 2:10-CV-01356-RLH (GWF)

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,
2 LLC (“Democratic Underground”) and Counterdefendant Stephens Media LLC (“Stephens
3 Media”), through their attorneys of record, as follows:

4 1. On February 24, 2011, this Court entered the Joint Stipulation and Order to Stay
5 Discovery Conducted Pursuant to Federal Rules of Civil Procedure 20 and 45 Until Adjudication
6 of Pending Motions (the “Stipulation and Order Staying Discovery”), which tolled discovery
7 deadlines set forth in the Joint Discovery Plan and Scheduling Order (Docket “Dkt.” 54) “for the
8 duration of time from February 10 until ruling by the Court on the pending Motions for Voluntary
9 Dismissal, the Cross-MSJ, and the Motion to Dismiss” (collectively, “the Motions”). (Dkt. 71, ¶
10 15).

11 2. Pursuant to the Stipulation and Order Staying Discovery, “[w]ithin 10 days of such
12 ruling, the parties shall submit a proposed agreed order resetting discovery dates on an equivalent
13 schedule.” (Dkt. 71, ¶ 15).

14 3. On June 14, 2011, the Court issued an order dismissing Righthaven’s complaint in
15 its entirety and denying Stephens Media’s Motion to Dismiss the Counterclaim. (Dkt. 116).

16 4. Democratic Underground’s Counterclaim still survives.

17 5. On June 23, 2011, Righthaven filed an Application to Intervene (Dkt. 120).

18 6. On June 29, 2011, Stephens Media filed a Motion for Reconsideration of the
19 denial of its Motion to Dismiss.

20 7. On June 30, 2011, the parties submitted a Joint Stipulation and Proposed Order to
21 Extend Time to File Revised Discovery Schedule seeking extension of the deadline for the parties
22 to submit a proposed agreed order to the date within 10 days of resolution of participation of
23 parties and their pleadings in this action (Dkt. 128).

24 8. On July 1, 2011, the Court granted the Joint Stipulation and entered an Order
25 Extending Time to File Revised Discovery Schedule (Dkt. 129).

26 9. On August 5, 2011, Stephens Media withdrew its Motion for Reconsideration.

27 10. On August 24, 2011, the Court issued an Order denying Righthaven’s Application
28 to Intervene (Dkt. 157).

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11. As the Court has resolved the participation of parties and their pleadings in this action, the parties hereby submit the following discovery schedule resetting discovery dates:
- a. **Discovery Cut-Off Date:** The cut-off date for discovery shall be **December 23, 2011.**
 - b. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning experts shall be made no later than **November 8, 2011.** Disclosures concerning rebuttal experts shall be made no later than **December 8, 2011,** 30 days after the initial disclosure of experts.
 - c. **Dispositive Motions:** The date for filing dispositive motions shall not be later than **February 6, 2012.** In the event that the discovery period is extended from the discovery cut-off date set forth in this Order, the date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent discovery cut-off date.
 - d. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than **March 7, 2012,** 30 days after the cut-off date for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this Order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.
 - e. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made not later than **December 2, 2011,** 21 days before the discovery cut-off date.
 - f. **Interim Status Report:** The Parties shall file the interim status report, if required, by **October 24, 2011,** 60 days before the discovery cut-off date.

1 Dated this 7 day of September, 2011

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Attorneys for Counterdefendant
STEPHENS MEDIA, LLC

IT IS SO ORDERED:

GEORGE FOLEY, Jr.
United States Magistrate Judge

DATED: _____

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW