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11 *Attorneys for Plaintiff Snap Lock Industries, Inc.*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 **SNAP LOCK INDUSTRIES, INC.,**

15 Plaintiff,

16 vs.

17 **SWISSTRAX CORPORATION,**

18 Defendant.

Case No. 2:17-cv-02742-RFB-PAL

**JOINT STIPULATION AND
 [PROPOSED] ORDER REGARDING
 SUR-REBUTTAL EXPERT OPINIONS**

19
 20 Plaintiff Snap Lock Industries, Inc. (“Snap Lock”) and Defendant Swisstrax Corporation
 21 (“Swisstrax”) (collectively, “Parties”), through their undersigned counsel, hereby respectfully jointly
 22 submit this Stipulation Regarding Sur-Rebuttal Expert Opinions, and state as follows:

- 23 1. On September 27, 2018, the Parties filed a Supplemental Joint Status Report outlining
 24 each parties’ respective discovery disputes for the Court’s resolution. *See* ECF No. 79.
- 25 2. In the Supplemental Joint Status Report, Snap Lock included a request that the Court
 26 clarify or amend the expert witness related deadlines such that the Court clarify that Swisstrax serve
 27 its expert report on costs and deductions under 15 U.S.C. § 1117(a) on the initial expert report
 28

1 deadline, or, alternatively, that the Court amend the expert deadlines to provide Snap Lock an
2 opportunity to rebut Swisstrax's expert report on costs and deductions under 15 U.S.C. § 1117(a).
3 See ECF No. 79 at 13.

4 3. In response, Swisstrax argued in the Supplemental Joint Status Report that "[t]o the
5 extent either expert disagrees with the other's rebuttal report, this can be addressed during the
6 respective depositions." ECF No. 79 at 20.

7 4. The Court heard argument on this issue on October 2, 2018, and, in its October 3,
8 2018, Minutes of Proceedings, the Court directed that it "will reserve ruling on whether Plaintiff gets
9 a reply." ECF No. 81.

10 5. To avoid the expense and delay involved with renewed motion practice with respect to
11 this issue, the Parties hereby stipulate and agree that any expert witnesses' sur-rebuttal comments and
12 opinions related to the other party's rebuttal expert report shall be addressed during the respective
13 expert depositions in lieu of a formal expert report. The Parties further agree that any expert witness
14 shall be entitled to testify at trial regarding any expert opinions stated during that expert's deposition,
15 without the need for a formal sur-rebuttal expert report.

16 Dated this 19th day of February, 2019.

17 DORSEY & WHITNEY LLP

DICKINSON WRIGHT PLLC

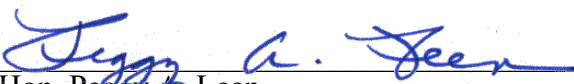
18 /s/ Tamara L. Kapaloski

/s/ Steven A. Caloiaro

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26 **IT IS SO ORDERED:**



27 Hon. Peggy A. Leen
28 United States Magistrate Judge

DATED: February 21, 2019

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2019, the foregoing **JOINT STIPULATION AND [PROPOSED] ORDER REGARDING SUR-REBUTTAL EXPERT OPINIONS** was served via e-mail upon the following:

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