

2. Under the DCO, the parties' deadline to file *Daubert/Kumho* challenges is August 17, 2010.
3. Certain counsel for Plaintiff have a trial setting in this Court the first two weeks of August 2010. Accordingly, conditioned upon the Court's approval, Plaintiff has requested, and Defendants have agreed, to continue each of the aforementioned deadlines for approximately 30 days as follows:
 - a. Deadline for Plaintiff to file Motion for Class Certification: **September 17, 2010.**
 - b. Deadline for Defendants to file Opposition to Plaintiff's Motion for Class Certification: **October 18, 2010.**
 - c. Deadline for Plaintiff to file a Reply to Defendants' Opposition to Plaintiff's Motion for Class Certification: **November 1, 2010.**
 - d. Deadline for Defendants to file a Sur-Reply on Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Class Certification: **November 15, 2010.**
 - e. Hearing on Plaintiff's Motion for Class Certification: **Subject to the Court's revised setting.**
 - f. Deadline to file a *Daubert/Kumho* challenge to any expert witness designated in accordance with the DCO: **September 17, 2010.**
4. Finally, the discovery deadline under the DCO is Friday, July 30, 2010. Conditioned upon the Court's approval, Plaintiff has requested, and Defendants have agreed, to allow Plaintiff to take the deposition of Defendants' expert, Dr. Itamar Simonson, after the close of discovery, namely, on a mutually agreeable date at the end of August, 2010. The parties respectfully ask the Court for leave to allow Plaintiff to take this deposition after the discovery deadline.
5. These extensions will not impact any other deadlines imposed by this Court or interfere with the orderly preparation of the case.
6. These extensions are being requested not to delay the case but so that justice can be done.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court grant this Motion and revise the Docket Control Order accordingly.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2010, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by first class mail today, August 4, 2010.

/s/ Charles L. Babcock

Charles L. Babcock