

E-filing

FILED

APR 28 2004

UNITED STATES DISTRICT COURT RICHARD W. WIEKING
NORTHERN DISTRICT OF CALIFORNIA CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1
2
3
4
5
6
7
8
9
10 UNITED STATES OF AMERICA, *et al.*,
11 Plaintiffs,
12 v.
13 ORACLE CORPORATION,
14 Defendant.

CASE NO. C 04-0807 VRW

FIRST SUPPLEMENTAL CASE
MANAGEMENT ~~PROPOSED~~ ORDER

15
16 The Court, having considered the parties' First Supplemental Case Management
17 Statement and Proposed Order, as well as the arguments presented by the parties at the April 16,
18 2004 Case Management Conference, and the parties having consulted on and agreed to the form
19 of this Order (including the addition of paragraph 6, which was not discussed at the Conference
20 but is agreed to by both parties),

21 IT IS HEREBY ORDERED:

22 1. Technology Tutorial: The parties shall present a technology tutorial to the Court on
23 May 21, 2004, beginning at 10:00 a.m. Each side shall be allotted two hours to make its
24 presentation to the Court. Each side shall disclose an outline of the nature and substance of its
25 proposed presentation to the other side no later than May 12, 2004, at 5:30 p.m. PDT. Each side
26 may make reasonable adjustments to its presentation based upon its review of the opposing
27 side's outline and shall disclose its final presentation to the other side no later than May 19,
28 2004, at 5:30 p.m. PDT.

Case Number: C 04-0807 VRW
First Supplemental Case Management Order

1 2. Trial Memoranda: Each side shall file a trial brief, not to exceed 40 pages in length, no
2 later than May 27, 2004. By this date, the parties also will file a joint stipulation of facts. Unless
3 the Court indicates otherwise, the parties will submit proposed findings of fact after trial on a
4 schedule to be determined by the Court.

5 3. Supplemental Expert Reports: Paragraph 11.f of the Case Management Order, dated
6 March 15, 2004, is hereby amended to add the following third sentence: "In addition, Plaintiffs
7 may include in a supplemental expert report information relating to or based upon any discount
8 request forms or related documents produced for the first time by Defendant after March 26,
9 2004 in response to Paragraph 4.b.4 of the Case Management Order, provided that such
10 supplemental report is served no later than May 3, 2004."

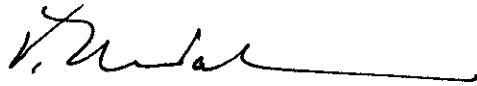
11 4. Depositions of Non-Party Witnesses: Paragraph 7.c of the Case Management Order is
12 hereby amended to add the following fifth sentence: "Nothing in this paragraph shall be
13 construed to preclude a non-party witness from being noticed for deposition by both sides and
14 from being deposed for up to seven hours by each side (i.e., for two seven-hour deposition days
15 in total) pursuant to such notices."

16 5. Pre-Trial Conference: The Pre-Trial Conference discussed in Paragraph 19 of the Case
17 Management Order has been rescheduled for June 2, 2004, at 9:30 a.m. The hearings on
18 *Daubert* issues and motions *in limine*, discussed in Paragraph 18 of the Case Management Order,
19 are also rescheduled for June 2.

20 6. Demonstrative Exhibits Used by Experts: Paragraph 14 of the Case Management Order
21 is hereby amended to replace the second sentence of the second paragraph (p. 8, lines 26-27 and
22 p. 9, line 1-2) with the following sentence: "Demonstrative exhibits to be used by experts do not
23 need to be included on exhibit lists provided that: (a) such exhibits are based upon the content of
24 an expert report that is properly disclosed pursuant to Paragraph 11; and (b) unless otherwise
25 agreed or ordered, such exhibits are served on all counsel of record at least 72 hours before any
26 such exhibit is introduced, or otherwise used, at trial." Paragraph 11.a of the Case Management
27 Order is amended to insert the following clause at the beginning of the third sentence (p. 7, line
28 6): "Subject to Paragraph 14 below,"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: April __, 2004



Vaughn R. Walker
UNITED STATES DISTRICT JUDGE