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11	UNITED STATES DISTRICT COURT			
12	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
13	SAN FRANCISCO DIVISION			
14	ROBERT JACOBSEN,	) No. C-06-190	05-JSW	
15	Plaintiff,	\	ROBERT JACOBSEN'S	
16	v.	1	RATIVE MOTION FOR ONFERENCE, AND JOINT	
17	MATTHEW KATZER, et al.,	MOTION TO	O APPEAR BY TELEPHONE	
18	Defendants.	Courtroom: Judge:	11, 19th Floor Hon. Jeffrey S. White	
19	Borondanto.	) raage.	Tion. Jeffrey S. Winte	
20		)		
21		)		
22		) _)		
23				
24	I. Introduction			
25	Because a variety of discovery issues ha	we arisen in the pa	ast two weeks, including issues	
26	involving discovery deadlines, Plaintiff Robert J	acobsen respectful	lly requests a status conference.	
27	If the Court sets a status conference, the parties jointly request to be permitted to appear by			
28	telephone.			
20	No. C-06-1905-JSW PLAINTIFF ROBERT JACOBSEN'S ADMINISTRATIVE MOTION FOR			
	No. C-06-1905-JSW PLAINTIFF ROBERT JACOBSEN'S ADMINISTRATIVE MOTION FOR			

## II. Relevant Facts

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22.

In May 2009, this Court set the deadline for fact discovery for Monday, October 5, 2009. The deadline for expert discovery is Wednesday, November 4, 2009. The Court also set the hearing for dispositive motions as no later than Friday, December 4, 2009. Per local rule, motions must be noticed at least 5 weeks before they are heard.

Robert Bouwens, a material witness in Jacobsen's copyright claim against Defendants, resides in Switzerland, which has some of the strictest laws governing foreign attorneys who seek discovery from Swiss nationals within its borders. Despite the parties' attempts to seek Bouwens' cooperation in discovery, Bouwens remains out of reach except through a letter of request. Jacobsen filed a motion for a letter of request on Wednesday, July 22, 2009. The hearing for the letter of request, originally set for Wednesday, August 26, 2009, was moved today to Wednesday, September 23, 2009. [Docket #317] Once the letter issues, the expected return on a letter of request is two to six months, which is after the close of fact discovery.

Because of vacations and scheduling issues with witnesses, the parties are facing taking the bulk of their depositions on September 9, 2009 or later. Defendants asked Plaintiff if he would be willing to alter discovery deadlines. Ex. A. Plaintiff agreed, but his position is that the parties need to seek an order from the Court for an alteration in the discovery order. Defendants do not believe that it is necessary to have a status conference, and that the parties can adjust the discovery deadline between themselves.

If the current expert discovery deadlines stand, the cut-off for expert discovery, Wednesday, November 4, 2009, comes after the deadline to file dispositive motions, Friday, October 30, 2009. Prior to email in Ex. A, the parties agreed to seek a change in the hearing date for dispositive motions from December 4, 2009 to December 18, 2009.

Meanwhile, the parties are briefing an appeal in the U.S. Court of Appeals for the Federal Circuit. The Federal Circuit typically hears the appeal six to ten weeks after briefing is complete. Briefing will be complete in the latter half of August, which means that the appeal will be heard either in October 2009 or November 2009. (The Federal Circuit typically issues its oral argument

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calenda	r between the 21st and the 24th of the month, thus the parties may know by Friday, August		
21, 200	9, which month oral argument is scheduled for.) The preparation for oral argument will		
conflict	with the last weeks to schedule depositions of either fact witnesses or expert witnesses.		
]	Finally, Jacobsen expects to call at least two expert witnesses. He will seek an adjustment		
to the expert witness discovery schedule to account for rebuttal.			
III.	III. Argument		
]	Because of the multiple discovery-related scheduling issues, Jacobsen believes the most		
efficient way to resolve the issues is through a status conference. He seeks a status conference set			
for 1:30	p.m., August 21, 2009. Defendants do not believe that a status conference is necessary to		
alter the	e deadline for fact discovery, but if a status conference is set, they prefer the conference to		
be set fo	or Friday, August 21, 2009. Defense counsel will be out of the country Friday, August 28,		
2009, aı	nd Friday, September 4, 2009.		
]	If the Court sets a status conference, the parties jointly seek permission to appear by		
telephoi	ne.		
IV.	Conclusion		
]	For the reasons stated above, Jacobsen respectfully requests a status conference, set for 1:30		
p.m., Friday, August 21, 2009. The parties seek permission to appear by telephone.			
]	Respectfully submitted,		
DATE	D: August 3, 2009		
	D.: /a/		
	By /s/ Victoria K. Hall, Esq. (SBN 240702) LAW OFFICE OF VICTORIA K. HALL 3 Bethesda Metro Suite 700 Bethesda MD 20814		
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