

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: COMMERCIAL DIVISION

VOOM HD HOLDINGS, LLC,

Plaintiff,

-against-

ECHOSTAR SATELLITE L.L.C.,

Defendant.

:
:
: Index No. 600292/08

:
: IAS Part 56

:
: Hon. Richard B. Lowe III

:
: **STIPULATION AND**
: **PROPOSED ORDER**
:

WHEREAS, following meet-and-confer process, the parties stipulated to the Preliminary Conference Order entered by the Court on May 19, 2008;

WHEREAS, since then, the parties have engaged diligently in the meet-and-confer process to address each other's discovery requests;

WHEREAS, the parties have made a good faith effort to gather and review documents and electronically stored data responsive to each other's discovery requests with each party having deployed large teams of attorneys to gather and review such documents;

WHEREAS, there is an enormous volume of documents and electronically stored data (with each party experiencing several hundred thousand "hits" in response to each other's stipulated electronic search terms) that the parties have gathered to review in response to each other's discovery requests;

WHEREAS, the Preliminary Conference Order provided only until July 1, 2008, for complete document productions; and

WHEREAS, the parties believe that it is necessary to extend the discovery deadlines set forth in the Preliminary Conference Order by approximately 120 days in order for them to

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SEP 10 2008
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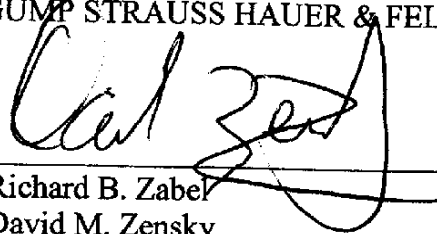
complete discovery in light of the sheer volume of documents and electronically stored data identified for review;

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that subject to the Court's approval, the Preliminary Conference Order shall be modified as set forth on Exhibit A. Except as otherwise noted, the Preliminary Conference Order shall remain the same.

Dated: July 29, 2008

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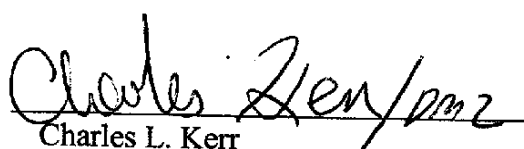
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SO ORDERED:

RICHARD B. LOWE III
Hon. Richard B. Lowe III
New York Supreme Court Justice

EXHIBIT A

	<u>Existing Deadline</u>	<u>Modified Deadline</u>
1. Complete production of discovery and inspection demands	July 30, 2008	November 28, 2008
2. Depositions shall begin on or after:	July 30, 2008	November 28, 2008
3. Depositions shall end by:	April 17, 2009	August 21, 2009
4. Initial expert reports shall be provided by:	February 13, 2009	June 12, 2009
5. Rebuttal expert reports shall be exchanged by:	March 13, 2009	July 10, 2009
6. Depositions of experts shall be completed by:	April 17, 2009	August 21, 2009
7. End date for all disclosure	April 17, 2009	August 21, 2009
8. Compliance Conference	October 23, 2008 at 2:30 p.m.	October 23, 2008 at 2:30 p.m.
9. Note of Issue	May 14, 2009	September 18, 2009