



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

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VOOM HD HOLDINGS, LLC,

Plaintiff,

-against-

ECHOSTAR SATELLITE L.L.C.,

Defendant.  
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:  
:  
: Index No. 600292/08

:  
: IAS Part 56

:  
: Hon. Richard B. Lowe III

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

WHEREAS, on April 9, 2009, the Court granted the parties' joint request for an extension of the discovery deadlines ("April Order") set forth in the Preliminary Conference Order entered May 19, 2008, as amended on September 10, 2008 ("Preliminary Conference Order");

WHEREAS, the parties have been mindful of the discovery deadlines set forth in the April Order and have engaged diligently to complete discovery;

WHEREAS, the parties continue to produce documents in this matter on an on-going basis;

WHEREAS, the parties have conducted multiple depositions of their respective witnesses, but have more depositions to complete; and

WHEREAS, without moving the note of issue date, the parties believe that an extension of expert discovery deadlines set forth in the April Order is necessary in order to provide each party with a full and fair opportunity to develop its case or defense;

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that subject to the Court's approval, the existing April Order shall be

**E-FILE**

modified as set forth on Exhibit A. Except as otherwise noted, the Preliminary Conference Order, shall remain the same.

Dated: September 28, 2009

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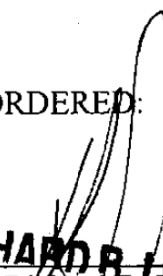
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DISH Network L.L.C.)*

Dated: 9-24-09

SO ORDERED:

  
**RICHARD B. LOWENTHAL**  
Hon. Richard B. Lowenthal  
New York Supreme Court Justice

CC: 1-7-11  
2:30



## EXHIBIT A

	<u>Existing Deadline</u>	<u>Modified Deadline</u>
1. Fact depositions shall end by:	December 18, 2009	December 18, 2009
2. Initial expert reports shall be provided by:	October 9, 2009	October 23, 2009
3. Rebuttal expert reports shall be exchanged by:	November 6, 2009	November 20, 2009
4. Depositions of experts shall be completed by:	December 18, 2009	January 15, 2010
5. End date for all fact disclosure	December 18, 2009	December 18, 2009
6. End date for all expert disclosure	December 18, 2009	January 15, 2010
7. Compliance Conference	September 24, 2009 at 2:30 p.m.	<del>September 24, 2009</del> at 2:30 p.m. 1-7-10
8. Note of Issue	January 16, 2010	January 16, 2010