

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNIVERSITY OF MASSACHUSETTS and)	
CARMEL LABORATORIES LLC,)	
)	
Plaintiffs,)	
)	C.A. No. 17-868-CFC-SRF
v.)	
)	
L'ORÉAL USA, INC.,)	
)	
Defendant.)	

STIPULATION AND [PROPOSED] ORDER TO AMEND SCHEDULING ORDER

WHEREAS, the parties met and conferred regarding an amendment to the discovery deadlines in the case schedule;

WHEREAS, the proposed extension does not move the deadline to file summary judgment motions or the trial date; and

WHEREAS, the parties have agreed on extensions to fact and expert discovery deadlines without prejudice to either or both parties revisiting additional extensions;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, through their undersigned counsel and subject to the approval of the Court, that the Scheduling Order (D.I. 46) as previously amended, shall be amended as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Defendant Completes Document Supplementation For Any Outstanding Issues ¹	N/A	May 8, 2020

¹ Defendant agrees to proceed with collection, review and production of documents pursuant to Judge Fallon’s discovery orders in this case in a good faith effort to make this deadline and agrees, as required by Judge Fallon’s discovery orders, to communicate with Plaintiffs’ counsel should it appear there will be complications in meeting this deadline. The parties have agreed that if, despite Defendant’s best efforts, the production is not complete by this deadline, Plaintiffs will need more time to conduct depositions because Plaintiffs cannot take depositions of L’Oréal USA witnesses until L’Oréal USA has produced documents.

Close of Fact Discovery Except for Depositions Not Able to Occur Due to Document Supplementation ²	May 22, 2020	June 5, 2020
Initial Expert Disclosures/Reports Except for Plaintiffs' Damages Report	June 5, 2020	June 19, 2020
Close of Fact Depositions For Any Witness Due to Document Supplementation	N/A	June 19, 2020 ³
Plaintiffs' Damages Expert Report	N/A	July 6, 2020
Response Expert Disclosures/Reports For Reports Served On June 19	June 30, 2020	July 14, 2020
Reply Expert Disclosures/Reports For Reports Served On June 19	July 17, 2020	July 31, 2020
Defendant's Responsive Damages Report	N/A	July 31, 2020
Plaintiffs' Reply Damages Expert Report	N/A	August 14, 2020
Expert Deposition Deadline For All Reports	August 7, 2020	August 21, 2020
Case Dispositive Motion Opening Briefs	September 4, 2020	No Change
Case Dispositive Motion Response Briefs	October 2, 2020	No Change
Case Dispositive Motion Reply Briefs	October 16, 2020	No Change
File Joint Pretrial Order	January 25, 2021 at 5 p.m.	No Change
Jury Instructions, Voir Dire and Special Verdict Forms	January 25, 2021 at 5 p.m.	No Change
Final Pretrial Conference	January 28, 2021 at 4 p.m.	No Change
Trial	Monday, February 8, 2021 at 9 a.m.	No Change

² The parties agree that the extension to fact discovery only affects the taking of depositions and that the time for service of new written discovery has passed.

³ If necessary, non-technical L'Oréal USA witnesses may be deposed after June 19 but on or before June 30, 2020.

/s/ Brian E. Farnan

Brian E. Farnan
Michael J. Farnan
Farnan LLP
919 North Market Street
12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com
Attorneys for Plaintiffs

Dated: May 4, 2020

/s/ Katharine L. Mowery

Frederick L. Cottrell, III (#2555)
Katharine L. Mowery (#5629)
Richards, Layton & Finger, P.A.
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
(302) 651-7700
cottrell@rlf.com
mowery@rlf.com
Attorneys for Defendant

SO ORDERED this _____ day of _____, 2020.

The Honorable Colm F. Connolly