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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, *et al.*, Plaintiffs, v. ORACLE CORPORATION, Defendant.	CASE NO. C 04-0807 VRW **FIRST SUPPLEMENTAL CASE MANAGEMENT ~~[PROPOSED]~~ ORDER**

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

IT IS HEREBY ORDERED:

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

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

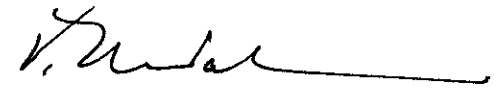
3. Supplemental Expert Reports: Paragraph 11.f of the Case Management Order, dated March 15, 2004, is hereby amended to add the following third sentence: "In addition, Plaintiffs may include in a supplemental expert report information relating to or based upon any discount request forms or related documents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

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

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

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

Dated: April ___, 2004



Vaughn R. Walker
UNITED STATES DISTRICT JUDGE