

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

WHEREAS, the parties have been mindful of the discovery deadlines and have been working to complete discovery in accordance with the November Order;

WHEREAS, the parties have conducted depositions almost every week since depositions began in late July, including conducting two to three depositions during certain weeks, in an effort to complete depositions prior to the current discovery cut-off;

WHEREAS, on February 1 and 3, 2010, the parties completed the exchange of voluminous rebuttal expert reports, having submitted opening expert reports in December 2009.



WHEREAS, the parties have scheduled dates for expert witness depositions as follows:

<u>Deponent</u>	<u>Date</u>	<u>Time</u>	<u>Place</u>
Robin Flynn	February 23, 2010	9:00 a.m.	New York, New York
David Ricchiute	February 26, 2010	9:00 a.m.	New York, New York
Avram Tucker	March 3, 2010	9:00 a.m.	San Francisco, California
Jonathan Orszag	March 5, 2010	9:00 a.m.	Los Angeles, California
Paul Meyer	March 10, 2010	9:00 a.m.	San Francisco, California
Timothy Brooks	March 12, 2010	9:00 a.m.	New York, New York
Roger Williams	March 18, 2010	9:00 a.m.	New York, New York

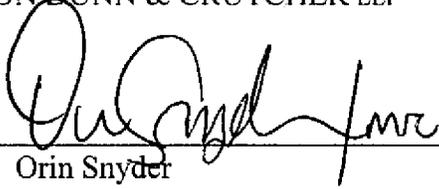
WHEREAS, under the November Order, the deadline to file a Note of Issue is February 26, 2010;

WHEREAS, the parties require a brief period of additional time to complete their review of the various expert reports and to conduct the depositions of the expert witnesses identified by the parties, several of whom live and work outside of New York; and

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

Dated: February 11, 2010

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Dated: _____

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. Depositions of experts shall be completed by:	February 26, 2010	March 19, 2010
2. End date for all expert disclosure	February 26, 2010	March 19, 2010
3. Compliance Conference	March __, 2010 at 2:30 p.m.	March 25 , 2010 at 2:30 p.m.
4. Note of Issue	February 26, 2010	March 19, 2010

