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ROBERT JACOBSEN

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11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 ROBERT JACOBSEN, ) No. C-06-1905-JSW  
15 )  
Plaintiff, )  
16 )  
v. )  
17 )  
MATTHEW KATZER, et al., )  
18 )  
Defendants. ) Courtroom: 11, 19th Floor  
Judge: Hon. Jeffrey S. White  
19 )  
20 )  
21 )  
22 )  
\_\_\_\_\_ )

23  
24 **I. Introduction**

25 Because a variety of discovery issues have arisen in the past two weeks, including issues  
26 involving discovery deadlines, Plaintiff Robert Jacobsen respectfully requests a status conference.  
27 If the Court sets a status conference, the parties jointly request to be permitted to appear by  
28 telephone.

1 **II. Relevant Facts**

2 In May 2009, this Court set the deadline for fact discovery for Monday, October 5, 2009.  
3 The deadline for expert discovery is Wednesday, November 4, 2009. The Court also set the  
4 hearing for dispositive motions as no later than Friday, December 4, 2009. Per local rule, motions  
5 must be noticed at least 5 weeks before they are heard.

6 Robert Bouwens, a material witness in Jacobsen's copyright claim against Defendants,  
7 resides in Switzerland, which has some of the strictest laws governing foreign attorneys who seek  
8 discovery from Swiss nationals within its borders. Despite the parties' attempts to seek Bouwens'  
9 cooperation in discovery, Bouwens remains out of reach except through a letter of request.  
10 Jacobsen filed a motion for a letter of request on Wednesday, July 22, 2009. The hearing for the  
11 letter of request, originally set for Wednesday, August 26, 2009, was moved today to Wednesday,  
12 September 23, 2009. [Docket #317] Once the letter issues, the expected return on a letter of  
13 request is two to six months, which is after the close of fact discovery.

14 Because of vacations and scheduling issues with witnesses, the parties are facing taking the  
15 bulk of their depositions on September 9, 2009 or later. Defendants asked Plaintiff if he would be  
16 willing to alter discovery deadlines. Ex. A. Plaintiff agreed, but his position is that the parties  
17 need to seek an order from the Court for an alteration in the discovery order. Defendants do not  
18 believe that it is necessary to have a status conference, and that the parties can adjust the discovery  
19 deadline between themselves.

20 If the current expert discovery deadlines stand, the cut-off for expert discovery,  
21 Wednesday, November 4, 2009, comes after the deadline to file dispositive motions, Friday,  
22 October 30, 2009. Prior to email in Ex. A, the parties agreed to seek a change in the hearing date  
23 for dispositive motions from December 4, 2009 to December 18, 2009.

24 Meanwhile, the parties are briefing an appeal in the U.S. Court of Appeals for the Federal  
25 Circuit. The Federal Circuit typically hears the appeal six to ten weeks after briefing is complete.  
26 Briefing will be complete in the latter half of August, which means that the appeal will be heard  
27 either in October 2009 or November 2009. (The Federal Circuit typically issues its oral argument  
28

