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 7 LIMITED and Q CYBER TECHNOLOGIES LIMITED

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 WHATSAPP INC., a Delaware corporation,
 12 and FACEBOOK, INC., a Delaware
 corporation,

13 Plaintiffs,

14 v.

15 NSO GROUP TECHNOLOGIES LIMITED
 16 and Q CYBER TECHNOLOGIES LIMITED,

17 Defendants.

Case No. 4:19-cv-07123-PJH

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER RE SCHEDULING
 OF DEPOSITIONS**

Action Filed: 10/29/2019

1 Pursuant to Local Rules 6-1(b) and 6-2, and as supported by the Declaration of Aaron Craig
2 filed herewith, Defendants NSO Group Technologies Limited and Q Cyber Technologies Limited
3 (“Defendants”), and Plaintiffs WhatsApp LLC and Meta Platforms, Inc. (“Plaintiffs”)
4 (collectively, the “Parties”) hereby stipulate and agree that the depositions of five witnesses may
5 be taken after the discovery cutoff, and the Parties and two third party witnesses have agreed upon
6 a deposition schedule.

7 WHEREAS, on February 15, 2024, the Court granted Defendants’ Motion for Relief from
8 Case Management Schedule and extended the fact-discovery cutoff to September 13, 2024 (Dkt.
9 No. 289);

10 WHEREAS, the Parties have coordinated extensively to complete the depositions of
11 fourteen fact witnesses, as well as the entity depositions of the parties in this matter prior to the
12 fact-discovery cutoff;

13 WHEREAS, to accommodate the Parties agreed-upon schedule and witness availability,
14 the Parties have agreed that the depositions of five witnesses should be taken shortly after the fact-
15 discovery cutoff during the weeks of September 16, 2024, and of September 23, 2024;

16 WHEREAS, certain of the depositions of Plaintiffs’ witnesses scheduled after the
17 discovery cutoff will include corporate deposition testimony pursuant to Rule 30(b)(6) of the
18 Federal Rules of Civil Procedure;

19 WHEREAS, the Parties, by the below signatures of their respective counsel, have agreed
20 upon the dates, times, and locations for the depositions of the five witnesses;

21 WHEREAS, two of those five depositions scheduled after the fact-discovery cutoff will be
22 of witnesses previously employed by Westbridge (the “Former WB Employees”);

23 WHEREAS, by the below signature of his counsel, one of the Former WB Employee
24 (“J.S.”) consents to his deposition exceeding 7 hours of record time on the same day, as described
25 in the following paragraph;

26 WHEREAS, the Parties, by the below signatures of their counsel, have agreed that, for
27 J.S.’s deposition, Plaintiffs will examine J.S. for up to the first 4 hours, 45 minutes of record time;

1 followed, on the same day, by Defendants' examination (without need for a cross-notice of
2 deposition and not being limited to the scope of the direct examination) of up to 2 hours, 15 minutes
3 of record time; and then followed, on the same day, by Plaintiffs' cross-examination (limited to
4 the scope of Defendants' examination) of J.S. for up to an additional 45 minutes of record time
5 (plus any remaining, unused portion of Plaintiff's initial 4 hours, 45 minutes of record time). The
6 Parties agree that they may reserve portions of their record time described within this paragraph
7 for cross-examination, provided that Plaintiffs' total record time does not exceed 5.5 hours;
8 Defendants' total record time does not exceed 2 hours, 15 minutes; and J.S.'s deposition ends no
9 later than 7:15 pm assuming that J.S. and his counsel are ready to begin the deposition at the
10 noticed time of 9:00 am.

11 WHEREAS, the Parties, by the below signatures of their counsel, have agreed that, for the
12 T.D. deposition, Plaintiffs will examine T.D. for up to the first 4 hours, 45 minutes of record time;
13 followed, on the same day, by Defendants' examination (without need for a cross-notice of
14 deposition and not being limited to the scope of the direct examination) of up to 2 hours, 15 minutes
15 of record time; and then followed, on the same day, by any cross-examination (but not direct
16 examination) by the Parties provided that Plaintiffs' total record time does not exceed 4 hours, 45
17 minutes and Defendants' total record time does not exceed 2 hours, 15 minutes.

18 WHEREAS, Plaintiffs expressly reserve their right to seek, if necessary, additional record
19 time to depose the Former WB Employees, and Defendants, as well as the Former WB Employees,
20 expressly reserve their right to oppose such requested relief.

21 NOW THEREFORE, the Parties and the Former WB Employees respectfully request that
22 the Court enter the proposed order submitted herewith.

1 DATED: September 13, 2024

KING & SPALDING LLP

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By: /s/ Aaron S. Craig
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L.R. 5-1 ATTESTATION

I, Aaron S. Craig, attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

By: /s/ Aaron S. Craig
AARON S. CRAIG

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and good cause therefor having been shown, the Court orders:

1. Absent the further agreement of the parties, the parties may conduct fact depositions during the weeks of September 16th and September 23rd notwithstanding the close of fact discovery on September 13, 2024.

2. For the deposition of “J.S.,” a former employee of Westbridge (a “Former WB Employee”), Plaintiffs will examine J.S. for up to the first 4 hours, 45 minutes of record time; followed, on the same day, by Defendants’ examination (without need for a cross-notice of deposition and not being limited to the scope of the direct examination) of up to 2 hours, 15 minutes of record time; and then followed, on the same day, by Plaintiffs’ cross-examination (limited to the scope of Defendants’ examination) of J.S. for up to an additional 45 minutes of record time (plus any remaining, unused portion of Plaintiff’s initial 4 hours, 45 minutes of record time). The Parties may reserve portions of their record time described within this paragraph for cross-examination, provided that Plaintiffs’ total record time does not exceed 5.5 hours; Defendants’ total record time does not exceed 2 hours, 15 minutes; and J.S.’s deposition ends no later than 7:15 pm assuming that J.S. and his counsel are ready to begin the deposition at the noticed time of 9:00 am.

3. For the deposition of T.D., another Former WB Employee, Plaintiffs will examine T.D. for up to the first 4 hours, 45 minutes of record time; followed, on the same day, by Defendants’ examination (without need for a cross-notice of deposition and not being limited to the scope of the direct examination) of up to 2 hours, 15 minutes of record time; and then followed, on the same day, by any cross-examination (but not direct examination) by the Parties provided that Plaintiffs’ total record time does not exceed 4 hours, 45 minutes and Defendants’ total record time does not exceed 2 hours, 15 minutes.

4. All other deadlines of the Case Management Schedule (*see* Dkt. No. 357) remain in place.

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IT IS SO ORDERED.

Dated: September 16, 2024

