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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5 CRICKET COMMUNICATIONS, INC.,

6 Plaintiff/Counterdefendant,

7 v.

8 HIPCRICKET, INC.,

9 Defendant/Counterclaimant.

NO. C08-908MJP

ORDER ON CR 37 SUBMISSION RE:
PLAINTIFF'S NOTICE REBUTTAL
EXPERT DISCLOSURE

10 The above-entitled Court, having received and reviewed the CR 37 Submission Regarding
11 Plaintiff's Notice of Rebuttal Expert Disclosure, all attached exhibits and declarations, makes the
12 following ruling:

13 IT IS ORDERED that Defendant's motion is DENIED.

14 The Court favors decisions made on the merits. Therefore, a misunderstanding of the rules or
15 an honest disagreement concerning the interpretation of conflicting rules should not control the
16 outcome of the matter on its merits. The Court sees no prejudice to Defendant resulting from the
17 modest expansion of time resulting from the differing interpretation of the rules.

18 The clerk is directed to provide copies of this order to all counsel of record.

19 Dated: December 19, 2008

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22 Marsha J. Pechman
23 U.S. District Judge