

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CRICKET COMMUNICATIONS, INC.,

Plaintiff/Counterdefendant,

v.

HIPCRICKET, INC.,

Defendant/Counterclaimant.

NO. C08-908MJP

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

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

IT IS ORDERED that Defendant's motion is DENIED.

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

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

Dated: December 19, 2008



Marsha J. Pechman
U.S. District Judge