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18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 OAKLAND DIVISION

22 ORACLE USA, INC., *et al.*,  
23 Plaintiffs,  
24 v.  
25 SAP AG, *et al.*,  
26 Defendants.

Case No. 4:07-CV-1658 PJH (EDL)

**[PROPOSED] ORDER DENYING  
PLAINTIFFS' OBJECTIONS TO  
ORDER FOR SANCTIONS**

Date: N/A  
Time: N/A  
Courtroom: N/A  
Judge: Hon. Phyllis J. Hamilton

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The Court having considered Plaintiffs’ Objections to Magistrate’s Order Granting Defendants’ Motion for Preclusion of Certain Damages Evidence Pursuant to Federal Rules of Civil Procedure 37(c)(1) and 16(f) and Defendants’ Response thereto, IT IS HEREBY ORDERED THAT:

- 1. Plaintiffs’ Objections to Magistrate Judge Laporte’s Order are DENIED;
- 2. Plaintiffs’ request that its damages expert and other witnesses be permitted to testify regarding the damages precluded by the Order is DENIED.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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PHYLLIS J. HAMILTON  
United States District Judge

SFI-622193v1