

1 Jeffrey W. Shopoff (Bar No. 46278)
 2 Gregory S. Cavallo (Bar No. 173270)
 3 Paul F. Kirsch (Bar No. 127446)
 4 James M. Robinson (Bar No. 238063)
 5 SHOPOFF CAVALLO & KIRSCH LLP
 100 Pine Street, Suite 750
 San Francisco, CA 94111
 Telephone: (415) 984-1975
 Facsimile: (415) 984-1978

6 Attorneys for Plaintiff
 7 California Natural Products

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 CALIFORNIA NATURAL PRODUCTS
 12 (d/b/a POWER AUTOMATION SYSTEMS),
 a California corporation,

13 Plaintiff,

14 vs.

15 ILLINOIS TOOL WORKS, INC. (d/b/a
 16 HARTNESS INTERNATIONAL, INC.), a
 Delaware corporation,

17 Defendant.

CASE NO. 2:12-cv-0593-JAM-CKD

**STIPULATION AND ORDER TO
 CONTINUE TRIAL AND PRE-TRIAL
 SCHEDULE**

19 Plaintiff California Natural Products and Defendant Illinois Tool Works, hereby stipulate and
 20 jointly request that the Court continue the current pre-trial and trial schedule to allow an additional 90-120
 21 days. Good cause for such a continuance is based on (1) change and expansion of scope of discovery
 22 since the time of the setting of this schedule; (2) delay in the initiation of trade secret discovery caused by
 23 disputed issues with the First Amended Complaint; (3) the need for document discovery and depositions
 24 in Spain; (4) the need to translate Spanish documents; (5) issues with confidentiality of various technology
 25 and financial information for both sides, and the time necessary to negotiate a comprehensive protective
 26 order; and (6) the parties' belief that a short continuance will reduce discovery and other disputes, and
 27 facilitate the parties working together on discovery issues.

1 The existing schedule, as established by the Court's Order of August 28, 2012, was the result of
2 the Joint Status Report filed by the parties on August 24, 2012. Although the increased scope of the
3 action (from an advertising and patent case to an advertising and trade secret case) was already
4 contemplated, plaintiff had not yet amended its complaint. As part of the proposed amendment, PAS
5 sought to drop its patent claims in favor of trade secret claims, a change in theory defendants argued was
6 impermissible. Unable to reach an agreement, plaintiff filed a motion for leave to amend the complaint
7 on November 8, 2012. The Court's impacted schedule didn't allow that to be set for hearing until late
8 January 2013. On December 28, 2012, defendants agreed to the amendment in order to avoid further
9 delay, and plaintiff filed its First Amended Complaint on January 10, 2013.

10 Prior to this amendment, the claims of plaintiff's complaint were based on defendants' marketing
11 practices and plaintiff's patents for its warehousing automation system. The First Amended Complaint
12 added trade secret claims and substantially broadened the scope of discovery beyond that contemplated in
13 the original schedule. The technology discovery therefore did not start until February 2013, which was
14 much later than anticipated by the August 28, 2012 schedule.

15 Since January, the parties have been working together on the scope and pace of written discovery
16 and the exchange of documents. Written discovery and document production is proceeding, but all
17 parties need additional time to negotiate the terms of a multi-layer protective order, collect, organize and
18 in many cases translate Spanish documents, schedule and conduct depositions in Spain, Illinois, and
19 California, retain and work with expert consultants to understand the technological and engineering
20 documents and otherwise prepare for dispositive motions and trial.

21 To this end, the parties have cooperated in drafting a revised schedule for the Court's
22 consideration. This schedule adds approximately 90 days to the calendar but remains within the Court's
23 typical schedule.

Event	Current	Proposed
Expert disclosure, including report	Fri., June 14, 2013	Fri., Oct. 11, 2013
Rebuttal expert disclosure, including report	Fri., June 21, 2013	Fri., Nov. 8, 2013

