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7 Attorneys for Plaintiffs, SIEMENS
 8 CORPORATION, SIEMENS HEALTHCARE
 9 DIAGNOSTICS INC., and STEADFAST
 10 INSURANCE COMPANY as subrogee of
 11 SIEMENS CORPORATION and SIEMENS
 12 HEALTHCARE DIAGNOSTICS INC.

13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT – SACRAMENTO OFFICE

15 SIEMENS CORPORATION,
 16 SIEMENS HEALTHCARE
 17 DIAGNOSTICS INC., AND
 18 STEADFAST INSURANCE
 19 COMPANY as subrogee of SIEMENS
 20 CORPORATION AND SIEMENS
 21 HEALTHCARE DIAGNOSTICS INC.,

22 Plaintiffs,

23 vs.

24 KUHLMAN TECHNOLOGIES, INC.,
 25 BOSCH PACKAGING
 26 TECHNOLOGY, INC., ROBERT
 27 BOSCH PACKAGING
 28 TECHNOLOGY, INC., AND SBM
 29 SCHOELLER-BLECKMANN
 30 MEDIZINTECHNIK GES.M.B.H,

31 Defendants.

CASE NO.: 2:12-CV-01894-MCE-JFM

**ORDER ON REQUEST FOR
 INTERNATIONAL JUDICIAL
 ASSISTANCE (LETTER
 ROGATORY)**

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

The Ex Parte Application of Plaintiffs Siemens Corporation, Siemens Healthcare Diagnostics Inc., and Steadfast Insurance Company as subrogee of Siemens Corporation and Siemens Healthcare Diagnostics Inc. for Issuance of the Letter Rogatory Requesting International Judicial Assistance regarding service of a Summons and Complaint on SBM Schoeller-Bleckmann Medizintechnik Ges.m.b.H is hereby GRANTED.

The assigned judge of this Court will sign, and its Clerk will seal, two (2) originals of the Letter Rogatory. These two (2) originals will then be made available to the applicants to permit service in Austria.

Date: 9/19/2012


UNITED STATES MAGISTRATE JUDGE

1 Jay D. Harker (State Bar No. 167063)
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8 CORPORATION, SIEMENS HEALTHCARE
9 DIAGNOSTICS INC., and STEADFAST
10 INSURANCE COMPANY as subrogee of
11 SIEMENS CORPORATION and SIEMENS
12 HEALTHCARE DIAGNOSTICS INC.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO OFFICE

SIEMENS CORPORATION,
SIEMENS HEALTHCARE
DIAGNOSTICS INC., AND
STEADFAST INSURANCE
COMPANY as subrogee of SIEMENS
CORPORATION AND SIEMENS
HEALTHCARE DIAGNOSTICS INC.,

Plaintiffs,

vs.

KUHLMAN TECHNOLOGIES, INC.,
BOSCH PACKAGING
TECHNOLOGY, INC., ROBERT
BOSCH PACKAGING
TECHNOLOGY, INC., AND SBM
SCHOELLER-BLECKMANN
MEDIZINTECHNIK GES.M.B.H,

Defendants.

CASE NO.: 2:12-CV-01894-MCE-JFM

**REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE**

(LETTER ROGATORY)

The United States District Court, Eastern District of California - Sacramento
Office presents its compliments to the Appropriate Judicial Authority of Austria, and

1 requests international assistance to effect service of process to be used in a civil
2 proceeding before this Court in the above captioned matter.

3 **I. REQUEST.**

4 This Court requests the assistance described herein as necessary in the interests
5 of justice. The assistance requested is that the Appropriate Judicial Authority of
6 Austria effect service of process of the federal court Summons, Civil Cover Sheet,
7 state court Complaint, federal court Order Re: Removal, federal court Order Requiring
8 Joint Status Report, federal court Notice of Availability of a Magistrate Judge to
9 Exercise Jurisdiction and Appeal Instructions, and Notice of Availability Voluntary
10 Dispute Resolution, along with certified translations of these documents, on the below
11 named business entity:

12 SBM Schoeller-Bleckmann Medizintechnik Ges.m.b.H.

13 Pharmastr. 1, 2630 Ternitz Austria.

14 The Appropriate Judicial Authority of Austria is requested to serve the above-
15 mentioned documents by personal service into the hands of a director, managing agent
16 or other person authorized to accept service or in a manner of service consistent with
17 the law of Austria.

18 **II. FACTS OF CASE.**

19 Plaintiffs allege as follows: Plaintiffs operated a facility located at 2040
20 Enterprise Blvd., West Sacramento, CA 95691 U.S.A. wherein research and
21 development of antibiotics occurs. Located within this facility were two Autoclave
22 units, known as SBM Autoclave #1 and SBM Autoclave #2. In 2005, Defendant
23 SBM Schoeller-Bleckmann Medizintechnik Ges.m.b.H. handled the installation of
24 replacement parts and assemblies for SBM Autoclave #1 at this facility. Said
25 defendant and/or others also performed design, manufacture, distribution, and/or
26 supply of the SBM Autoclave #1 and/or its replacement parts and assemblies. On
27 June 19, 2009, at approximately 11:32 a.m., SBM Autoclave #1 was operating in a
28 normal run cycle when the sliding door failed to remain in a closed position. The

1 of the room. As a result of this June 19, 2009 accident Plaintiffs suffered damages.
2 This case involves claims of liability against SBM Schoeller-Bleckmann
3 Medizintechnik Ges.m.b.H. based on strict liability (design defect), strict liability
4 (failure to warn), and negligence.

5 **III. RECIPROCITY.**

6 This Court is willing to provide similar assistance to the judicial authorities of
7 Austria as requested.

8 **IV. REIMBURSEMENT FOR COSTS.**

9 The Court, via Plaintiffs' counsel, is willing to reimburse the judicial authorities
10 of Austria for costs incurred in executing this Letter Rogatory up to \$1,000.00 (U.S.
11 Dollars). If costs incurred in executing this Letter Rogatory are expected to exceed
12 \$1,000.00 (U.S. Dollars), the Austrian court is requested to contact Plaintiffs' counsel:
13 Martin C. Sener, Esq., Clausen Miller P.C., 10 S. LaSalle Street, Chicago, IL 60603
14 U.S.A. – voice number of (312) 855-1010; facsimile number of (312) 606-7777; and
15 e-mail address of msener@clausen.com.

16 In acknowledgment of the additional time which is needed to prepare and file
17 an Answer to the attached documents, the time period for answering is extended to 45
18 days after service.

19 DATE: August 13, 2012

John F. Moulds
Judge's Printed Name
John F. Moulds
Judge's Signature
United States District Court – Eastern
District – Sacramento Office
501 I Street, Suite. 4-200
Sacramento, California 95814
United States of America

24 SEAL OF THE COURT