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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BRENDAN SCHMIDT and DENISE
SCHMIDT,

Plaintiffs,

v.

PENTAIR, INC., DELTA
INTERNATIONAL MACHINERY
CORPORATION, BLACK & DECKER
CORPORATION, BLACK & DECKER
(U.S.) INC., and HOME DEPOT U.S.A.,
INC., dba YARDBIRDS HOME CENTER,

Defendants.

Case No. C08-04589 TEH

Case Filed: October 2, 2008

**JOINT STIPULATION OF DISMISSAL FOR DEFENDANTS PENTAIR, INC.,
THE BLACK & DECKER CORPORATION AND BLACK & DECKER (U.S.) INC.**

1 Plaintiffs Brendan Schmidt and Denise Schmidt and Defendants Pentair, Inc., Delta
2 International Machinery Corporation, The Black & Decker, Corporation, Black & Decker
3 (U.S.) Inc. collectively (the "Parties") hereby stipulate as follows:

4 1. Defendants Pentair, Inc., The Black & Decker Corporation and Black & Decker
5 (U.S.) Inc. (the "Dismissed Corporate Defendants") shall be dismissed with prejudice.

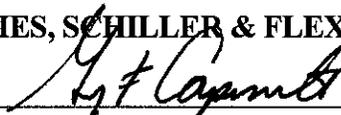
6 2. Defendant Delta International Machinery Corp. ("Delta") will not use the
7 dismissal of Defendants Pentair, Inc., The Black & Decker Corp. and Black & Decker (U.S.)
8 Inc. to argue the lack of relevance or admissibility of any evidence to be introduced at trial.
9 Defendant Delta preserves all other evidentiary objections except those related to the dismissal
10 of the Pentair, Inc., The Black & Decker Corp. and Black & Decker (U.S.) Inc.

11 3. Plaintiffs may introduce at trial the fact that The Black & Decker Corporation
12 purchased Delta International Machinery Corp. from Pentair, Inc. in October 2004 and, unless
13 objected to on other grounds, that Black & Decker (U.S.) Inc. continues to make Delta-brand
14 table saws, including many models previously made by Delta International Machinery Corp.
15 and its predecessor entities, and Black & Decker's work on guards, flesh detection and other
16 related issues.

17 Dated: ~~October 28, 2010~~

18 *Nov 1, 2010*

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Corporation; Black & Decker (U.S.) INC.; Home Depot
U.S.A., INC. d/b/a Yardbirds Home Center*

