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 ASKO APPLIANCES, INC.

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 ALLSTATE INSURANCE COMPANY,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 ASKO APPLIANCES, INC., and DOES 1 to 20,))
)
 17 Defendants.)
)
 18 _____)
)
 19 ASKO APPLIANCES, INC.,)
)
 20 Third-Party Plaintiff,)
)
 21 v.)
)
 22 ASKO CYLINDA A.B., HONEYWELL)
 INTERNATIONAL, INC., and ELTEK S.p.A.,)
)
 23 Third-Party Defendants.)
)
 24 _____)

CASE NO. 3:10-cv-01039-RS

**STIPULATION AND [PROPOSED]
 ORDER REGARDING DISCOVERY**

25 The Parties submit this Stipulation because Angelo DiMonte, the sole retained expert of
 26 Defendant/Third-Party Plaintiff ASKO APPLIANCES, INC. ("ASKO"), has recently been diagnosed
 27 with esophageal cancer. Pursuant to the Court's Scheduling Order, ASKO disclosed Angelo
 28

1 DiMonte's report on March 15, 2011. According to the concurrently filed Declaration of James
2 Silverstein, counsel for ASKO, in the days after Mr. DiMonte's report was disclosed, Mr. DiMonte
3 advised Mr. Silverstein that he had been diagnosed with esophageal cancer and he would likely
4 undergo chemotherapy and surgery. Moreover, the Declaration of Silverstein indicates that, on
5 March 30th, Mr. DiMonte advised that his physician indicated he might be able to return to work in
6 three to six months. In light of Mr. DiMonte's uncertain availability for deposition and trial, ASKO
7 has requested all parties stipulate to permit ASKO to retain a new expert and to disclose a new
8 expert report. Given that the Court's current Scheduling Order requires that (a) Third-Party
9 Defendants, ELTEK S.p.A. ("ELTEK"), and HONEYWELL INTERNATIONAL, INC.
10 ("HONEYWELL") make their expert disclosure by April 15, 2011, and (b) all supplemental expert
11 disclosures must be disclosed by May 15, 2011, ASKO has requested that the parties enter into a
12 Stipulation and proposed Order to address this unforeseen situation.
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15 Plaintiff ALLSTATE INSURANCE COMPANY ("Plaintiff"), ASKO, ELTEK, and
16 HONEYWELL (referred to herein individually as a "Party" and collectively as the "Parties"), hereby
17 agree to the following Stipulation in light of ASKO's counsel's representation regarding Mr.
18 DiMonte's health:
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20 1. ASKO will be permitted to retain a new expert to replace Mr. DiMonte. By May 31,
21 2011, ASKO will disclose the new expert's report. If ASKO so chooses, ASKO's new expert will
22 be permitted to inspect the dishwasher at-issue, prior to May 31, 2011, so that he can timely prepare
23 his report. All Parties and their experts will be permitted to attend this inspection if it goes forward.
24 Plaintiff, ELTEK, and HONEYWELL reserve their right to object to any changed opinion contained
25 in ASKO's new expert report, and to seek costs from ASKO for any additional costs they may incur
26 with respect to an additional inspection if one is performed by ASKO.
27

28 2. The deadline for ELTEK and HONEYWELL to make their expert disclosure and

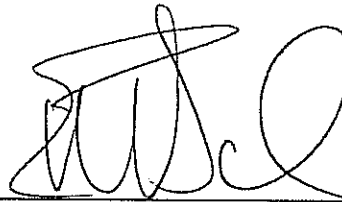
1 serve their expert reports will be June 30, 2011.

2 3. All supplemental expert disclosures must be served by July 29, 2011.

3 4. The expert discovery cut-off date will be extended from June 15, 2011 to August 29,
4 2011.

5 5. Given that ELTEK and HONEYWELL's expert disclosure and report may generate
6 the need for additional discovery, the non-expert discovery cut-off will be extended from May 15,
7 2011 to July 29, 2011.

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10 Dated: APRIL 5, 2011



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18 Dated: APR 5, 2011



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Dated: _____

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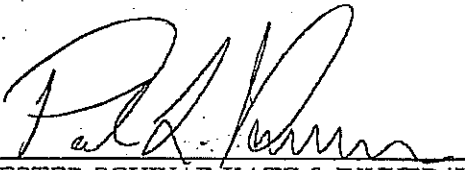
PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: _____

UNITED STATES DISTRICT JUDGE
RICHARD SEEBORG

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Dated: APRIL 5, 2011



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PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 4/6/11



UNITED STATES DISTRICT JUDGE
RICHARD SEEBORG