

1 GEORGE D. YARON (SBN 96246)  
 gyaron@yaronlaw.com  
 2 JAMES I. SILVERSTEIN (SBN 143643)  
 jsilverstein@yaronlaw.com  
 3 YARON & ASSOCIATES  
 601 California Street, 21<sup>st</sup> Floor  
 4 San Francisco, CA 94108  
 Telephone: (415) 658-2929  
 5 Facsimile: (415) 658-2930

6 THOMAS J. MARONEY (Admitted Pro Hac Vice)  
 tmaroney@maroneyoconnorllp.com  
 7 ROSS HERMAN (Admitted Pro Hac Vice)  
 rherman@maroneyoconnorllp.com  
 8 MARONEY O'CONNOR LLP  
 11 Broadway, Suite 831  
 9 New York, NY 10004  
 Telephone: (212) 509-2009  
 10 Facsimile: (212) 504-2754

11 Attorneys for Defendant, Third-Party Plaintiff, and Counter-Defendant  
 ASKO APPLIANCES, INC.  
 12  
 13

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16

17 ALLSTATE INSURANCE COMPANY, )  
 18 Plaintiff, )  
 19 v. )  
 20 ASKO APPLIANCES, INC., and DOES 1 to )  
 21 20, )  
 22 Defendants. )

CASE NO. CV 101039RS

STIPULATION REGARDING  
DISCOVERY AND [PROPOSED]  
ORDER

23 ASKO APPLIANCES, INC., )  
 24 Third-Party Plaintiff, )  
 25 v. )  
 26 ASKO CYLINDA A.B., HONEYWELL )  
 27 INTERNATIONAL, INC., and ELTEK S.p.A., )  
 28 Third-Party Defendants. )

1 IT IS HEREBY STIPULATED AND AGREED by and between Defendant/Third-Party  
2 Plaintiff/Counter-Defendant ASKO APPLIANCES, INC. ("Asko"), and Third-Party Defendant  
3 and Counter-Claimant ELTEK S.p.A. ("Eltek") (collectively "Parties"), by and through their  
4 respective attorneys of record, pursuant to Local Rule 6-1(a), as follows:

5 WHEREAS, this is an insurance subrogation action arising out of a residential fire on  
6 March 6, 2007. The residence is located at 208 Fairmont St., San Francisco, CA, and is  
7 reportedly owned by Gail Sabin. The alleged cause of the fire is an Asko dishwasher, model 1385  
8 ("subject dishwasher"). Plaintiff Allstate Insurance Company ("Allstate") sought reimbursement  
9 of insurance proceeds, in the amount of \$166,494.78, it allegedly paid to Gail Sabin, its insured,  
10 from Asko, the distributor of the subject dishwasher

11 WHEREAS, Asko filed a Third-Party Complaint against, among others, Honeywell  
12 International Inc. ("Honeywell"), and Eltek S.p.A. ("Eltek"). Honeywell manufactured the door  
13 latch microswitch used in the subject dishwasher. After conducting fact and expert discovery,  
14 Asko determined that the Honeywell microswitch was not at fault in the instant action, and moved  
15 to voluntarily dismiss Honeywell. On July 18, 2011, the Court granted Asko's Motion to  
16 Voluntarily Dismiss Honeywell.

17 WHEREAS, Eltek manufactured a waxmotor, model no. 100332.01, a component part in  
18 the subject dishwasher. Asko contends that a catastrophic failure of the Eltek waxmotor caused  
19 the subject fire. Eltek denies that the waxmotor caused the fire.

20 WHEREAS, on October 25, 2011, the Parties and Plaintiff Allstate Insurance Company  
21 ("Allstate") participated in a Mandatory Settlement Conference with Magistrate Judge Donna M.  
22 Ryu. Asko settled with Allstate. Thus, the only remaining claims are between Asko and Eltek.  
23 Asko and Eltek are attempting to resolve their claims against each other in this action, and other  
24 actions arising out of Asko dishwashers that allegedly caught fire. Eltek has requested that Asko  
25 provide it with certain documentation about pending claims against Asko that might involve Eltek.  
26 Asko is in the process of obtaining that information. Eltek's position is that it needs to receive this  
27 information regarding potential claims against Eltek before it can discuss globally resolving a  
28 number of claims, including the instant action.

WHEREAS, there are two other currently pending Federal District Court cases involving Eltek

1 and Asko: (1) *Swenton, et al. v. Asko Appliances, Inc.*, United States District Court for the District of  
2 Connecticut, Case No. 3:09-cv-01208 (“*Swenton*”); and (2) *Automobile Inc. Co. of Hartford, CT.*  
3 *a/s/o Jay Weinstein and Ellyne Weinstein v. Asko Appliances, Inc., et al.*, United States District Court  
4 for the Eastern District of New York, Case No. 2:09-cv-05017 (“*Weinstein*”). In addition, there is  
5 a case pending in Montreal, Canada involving the Parties.

6 WHEREAS, the instant action is set for trial on September 10, 2012.

7 WHEREAS, the Parties have also been involved in a discovery dispute regarding the  
8 deposition of Eltek’s Person(s) Most Knowledgeable (“PMK”). (Eltek has designated an individual  
9 that resides in Italy as its PMK.) Magistrate Judge Laurel Beeler has set a hearing for November 17<sup>th</sup>  
10 to resolve this dispute.

11 WHEREAS, the current deadline (a) for completion of non-expert discovery, and (b) for  
12 disclosure of expert reports intended solely to contradict or rebut evidence on the same subject  
13 matter identified by another party’s expert, pursuant to Federal Rules of Civil Procedure  
14 26(a)(2)(C)(ii) (“Rebuttal Expert Disclosure”), is November 18, 2011.


15 WHEREAS, the remaining non-expert discovery is comprised of the deposition of Eltek’s  
16 PMK and the deposition of Asko’s PMK. The Parties are working out a schedule to complete this  
17 discovery by December 18, 2011, in the event that they are unable to resolve the instant lawsuit.

18 THEREFORE the Parties stipulate that the deadline (a) for completion of non-expert  
19 discovery, and (b) for Rebuttal Expert Disclosure is continued 30 days to December 18, 2011.

20 **IT IS SO STIPULATED.**

21  
22  
23  
24  
25 Dated: November 10, 2011


YARON & ASSOCIATES

  
\_\_\_\_\_  
GEORGE D. YARON  
JAMES SILVERSTEIN  
Attorneys for Defendant/Third-Party  
Plaintiff/Counter-Defendant  
Asko Appliances, Inc.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


LESTER SCHWAB KATZ & DWYER, LLP

Dated: November 9, 2011

  
\_\_\_\_\_  
PAUL L. KASSNER  
STEVE GETZOFF  
Attorneys for Third-Party Defendant/Counter-  
Claimant  
Eltek, S.p.A.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

DATED: 11/16/11  
\_\_\_\_\_

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE  
RICHARD SEEBORG