

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATS PRODUCTS INC.,)

Plaintiff(s),)

v.)

FRANK GHIORSO, THERMALGUARD)
TECHNOLOGY LLC, THERMALGUARD)
LLC,)

Defendant(s).)

FRANK GHIORSO,)

Counter-Claimant,)

v.)

ATS PRODUCTS, INC.; LAWRENCE)
E. SHEA, individually and in)
his capacity as Trustee of)
the 1992 SHEA FAMILY TRUST;)
SHEA TECHNOLOGY, LLC, and)
HELEN SHEA.)

No. C10-4880 BZ

**AMENDED ORDER GRANTING
MOTION TO WITHDRAW AND
CONTINUING TRIAL**

IT IS HEREBY ORDERED as follows:

1. The motion of the law firm of Hopkins & Carley to withdraw as counsel of record for defendants Frank Ghorso, Thermalguard Technology, LLC and Thermalguard, LLC and

1 counterclaimant Frank Ghiorso (Docket No. 125) (collectively
2 defendants) is **GRANTED** on the following terms and conditions:

3 a. The Order relieving counsel is effective **October 17,**
4 **2011**, unless defendants earlier file a substitution of
5 counsel. Until they are relieved, counsel shall continue to
6 accept service on behalf of defendants.

7 b. If new counsel does not appear by **October 17, 2011**,
8 the Clerk will be instructed to enter the default of the
9 Thermalguard defendants. Ghiorso should be prepared to
10 represent himself until such time as he finds counsel.

11 2. The motion to continue the trial is **GRANTED** as
12 follows:

13 a. Jury trial will commence **November 28, 2011 at**
14 **8:30 a.m.**, in Courtroom C, 15th Floor, Federal Building, 450
15 Golden Gate Avenue, San Francisco, California 94102.

16 b. A further pretrial conference is scheduled for
17 **Tuesday, November 15, 2011, at 1:30 p.m.**, in Courtroom C, 15th
18 Floor, Federal Building, 450 Golden Gate Avenue, San
19 Francisco, California 94102.

20 c. The parties must complete the remaining expert
21 depositions by **November 7, 2011**.

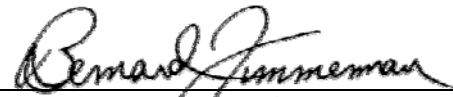
22 d. By **November 1, 2011**, the parties shall file one set
23 of instructions to which they have jointly agreed and separate
24 instructions on which they cannot agree. The parties are
25 reminded that only instructions that are warranted by the
26 evidence will be given to the jury. Their present task is to
27 agree on instructions which correctly state the law.
28 Objections to separate instructions shall be filed by

1 **November 8, 2011.**

2 e. By **November 1, 2011**, the parties shall file a set of
3 exhibits as to which they have resolved all objections such
4 that they can be admitted into evidence. Each party shall
5 file any separate exhibits to which they cannot agree.
6 Objections to those exhibits shall be filed by **November 8,**
7 **2011.** All objections will be resolved at the pretrial
8 conference.

9 f. If the parties agree to instructions and exhibits
10 which have already been filed, they need not re-file them if
11 they clearly indicate which they are, unless they conclude
12 that a new set would be more convenient for Court and counsel.

13 Dated: October 17, 2011

14 

15

Bernard Zimmerman
United States Magistrate Judge

16 G:\BZALL\BZCASES\ATS V. GHIORSO\AMENDED ORDER GRANTING MOTION TO WITHDRAW.wpd
17
18
19
20
21
22
23
24
25
26
27
28