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19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22 ADVANCED INTERNET TECHNOLOGIES,
 23 INC.,
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 25 Plaintiff,
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 27 v.
 28
 29 DELL, INC. and DELL FINANCIAL
 30 SERVICES, INC.,
 31
 32 Defendants.

Case No. CV-10-80078 MISC
**[PROPOSED] ORDER GRANTING
 MOTION TO HOLD NON-PARTY
 EXPONENT, INC. IN CONTEMPT OF
 SUBPOENAS AND TO COMPEL
 COMPLIANCE**
FRCP 45(e)
 (Master Case Pending in the Eastern District of
 North Carolina, Case No. 5:07-CV-426-H)
 Date: May 7, 2010
 Time: 9:00 a.m.
 Dept: Courtroom 10
 Judge: Hon. Susan Illston

[PROPOSED] ORDER GRANTING MOTION TO HOLD NON-PARTY EXPONENT, INC. IN CONTEMPT OF
 SUBPOENAS AND TO COMPEL COMPLIANCE (Fed. R. Civ. P. 45(e))

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THIS MATTER came before the Court on Plaintiff's Motion to Hold Non-Party Exponent, Inc. in Contempt of Subpoenas and to Compel Compliance. Having reviewed the briefs of the parties and the pleadings and files of record, and being fully advised, NOW THEREFORE:

IT IS ORDERED, ADJUDGED, AND DECREED that good cause exists to require non-party Exponent to comply with the Subpoenas lawfully served upon it on January 11, 2010, in the above-referenced matter, and furthermore, to find non-party Exponent in contempt for failing to obey without adequate excuse, the Subpoenas lawfully served upon it on January 11, 2010. Plaintiff's Motion to Hold Non-Party Exponent, Inc. in Contempt of Subpoenas and to Compel Compliance is therefore GRANTED. Exponent shall produce the documents requested by Plaintiff Advanced Internet Technologies, Inc. in its subpoena *duces tecum* not later than ten (10) days from the entry of this Order. In addition, Exponent shall produce a witness to testify to the subjects identified in the subpoena *ad testificandum* issued by Plaintiff Advanced Internet Technologies, Inc. not later than twenty (20) days from the entry of this Order.

Dated: _____, 2010 By: _____

UNITED STATES DISTRICT COURT JUDGE