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DOWNEY BRAND LLP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CROWN BUILDING MAINTENANCE, INC., a California Corporation, dba ABLE BUILDING MAINTENANCE, dba ABLE SERVICES, MARK KELLY, and MICHAEL McGEE

Petitioner,

v.

SBM SITE SERVICES, LLC, an Oregon Limited Liability Company

Respondent.

CASE NO. 3:10-mc-80250 WHA

(MISC: Action Pending in the United States District Court for the District of Colorado, Case No. 10-CV-00385-REB-BNB)

ORDER

Pursuant to Local Rule 37-1(b) the parties appeared on October 13, 2010, at 1:30 p.m., before the Honorable William H. Alsup of the above entitled court. William R. Warne and Cassandra M. Ferrannini appeared on behalf of Respondent SBM Site Services, LLC (“SBM”). Robert A. Bleicher appeared on behalf of Petitioners Crown Building Maintenance, Inc., d/b/a Able Building Maintenance, d/b/a Able Services (“Able”), Mark Kelly, and Michael McGee (collectively “Petitioner”). Michelle E. Cormier appeared on behalf of John Garrett.

Having considered the arguments of the parties, IT IS HEREBY ORDERED that the witnesses Michael McGee, Mark Kelly, and Able will appear for their depositions on October 14 and 15, 2010, as scheduled by the parties. The scope of the examinations shall be limited to the

1 following topics:

- 2 1. What Mr. Garrett said and did prior to coming to work for Able;
3 2. The circumstances surrounding Able's hiring of Mr. Garrett;
4 3. Any and all references Mr. Garrett has made regarding SBM; and
5 4. All testimony and evidence of documents and records and trade secrets that originated
6 at SBM.

7 The examination shall not include any inquiry regarding Able's operations or operating
8 procedures that may arguably be a trade secret.

9 IT IS SO ORDERED:

10 Dated: October 14, 2010



11 Hon. William H. Alsup
12 United States District Court Judge

13 APPROVED AS TO FORM:

14 DATED: October 14, 2010

DOWNEY BRAND LLP

16 By: /s/ Cassandra M. Ferrannini

17 WILLIAM R. WARNE
18 CASSANDRA M. FERRANNINI
19 Attorneys for Respondent/Plaintiff
SBM Site Services, LLC,
an Oregon Limited Liability Company

20 DATED: October 14, 2010

CARR, MCCLELLAN, INGERSOLL, THOMPSON
& HORN

23 By: /s/ Robert A. Bleicher (as authorized on 10/14/10)

24 ROBERT A. BLEICHER
25 LORI A. LUTZKER
26 Attorneys for Petitioners
27 Crown Building Maintenance, Inc., a California
28 Corporation, dba Able Building Maintenance, dba
Able Services, Mark Kelly, and Michael McGee

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DATED: October 14, 2010

KAMLET REICHERT, LLP

By: /s/ Michelle E. Cormier (as authorized on 10/14/10

DENISE RILEY
MICHELLE E. CORMIER
Attorneys for Defendant
John Garrett, an Individual

DOWNEY BRAND LLP