

1 Harry "Hap" P. Weitzel, Esq. (SBN 149934)
2 PEPPER HAMILTON LLP
3 4 Park Plaza, Suite 1200
4 Irvine, CA 92614-5955
5 Tel.: 949.567.3500
6 Fax: 949.863.0151
7 weitzelh@pepperlaw.com

8 M. Kelly Tillery, Esq.¹
9 Noah S. Robbins, Esq.¹
10 PEPPER HAMILTON LLP
11 3000 Two Logan Square
12 Eighteenth and Arch Streets
13 Philadelphia, PA 19103-2799
14 Tel: 215.981.4000
15 Fax: 215.981.4750
16 tilleryk@pepperlaw.com
17 robbinsn@pepperlaw.com

18 Attorneys for Plaintiff ADT Security Services, Inc.

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

21 ADT SECURITY SERVICES, INC.,

22 Plaintiff,

23 vs.

24 SECURITY ONE INTERNATIONAL, INC.,
25 FRANK GARDINER, CLAUDIO HAND,
26 MARCOS HAND and THOMAS NEMETH,

27 Defendants.

CIVIL ACTION No. C 11-05149 JW

**STIPULATION CONCERNING DATES
AND MOTION FOR EXPEDITED
DISCOVERY**

JURY TRIAL DEMANDED

28 Plaintiff, ADT SECURITY SERVICES, INC. ("Plaintiff") and Defendants SECURITY ONE INTERNATIONAL, INC., FRANK GARDINER and CLAUDIO HAND, ("Defendants") by and through counsel hereby stipulate to the following, and request that the Court adopt this stipulation as an order of the Court.

¹ Pro Hac Vice Applications pending.

1 The Plaintiff and Defendants have previously stipulated to the terms of a Preliminary
2 Injunction, which has been electronically filed with this court. They have continued to meet and
3 confer and make this stipulation concerning other matters.

4
5 1. Plaintiff and Defendants stipulate that notwithstanding any other provision of the
6 FRCP or previous Court directive concerning timing of a response to Plaintiff's complaint,
7 Defendants' responsive pleading, without waiver of any objection available to Defendants
8 (including, but not limited to venue and jurisdiction), shall be due on Monday DECEMBER 19,
9 2011.

10 2. Plaintiff withdraws its Motion for Expedited Discovery.

11 3. The Case Management Conference set for FEBRUARY 6, 2012 remains on
12 calendar, and the Court has reserved time at that hearing to address further matters that may relate
13 to the Preliminary Injunction, if any.

14
15 So Stipulated.

16 Dated: November 15, 2011

PEPPER HAMILTON LLP

17
18 By: Hap Weitzel /s/
19 Harry P. "Hap" Weitzel

20 *Attorneys for Plaintiff ADT Security*
21 *Services, Inc.*

22 Dated: November 15, 2011

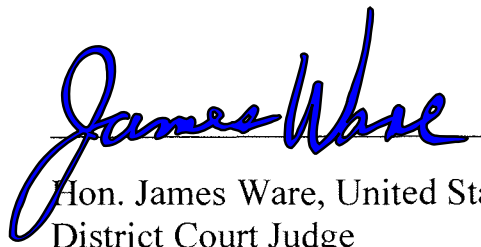
MURCHISON & CUMMING LLP

23
24 By: /s/ Valarie H. Jonas
25 Valarie H. Jonas
26 *Attorneys for Defendants Security One*
27 *International, Inc., Frank Gardiner and*
28 *Claudio Hand*

1 The Court, having heard the arguments of counsel at the hearing on November 14,
2 2011, hereby accepts the stipulation as an order of the court.

3
4 Dated: 11/17/11

Signed:

5
6
7
8 
9 Hon. James Ware, United States
10 District Court Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

PROOF OF SERVICE
F.R.C.P.5/C.C.P. § 1013a(3)/Cal. R. Ct. R. 2.260

I am a resident of, or employed in, the County of Orange. I am over the age of 18 and not a party to this action. My business address is: Pepper Hamilton LLP, Suite 1200, 4 Park Plaza, Irvine, CA 92614-5955.

On **November 15, 2011**, I served the following listed document(s), by method indicated below, on the parties in this action:

STIPULATION CONCERNING DATES AND MOTION FOR EXPEDITED DISCOVERY

SEE ATTACHED SERVICE LIST

BY U.S. MAIL

By placing the original / a true copy thereof enclosed in a sealed envelope(s), with postage fully prepaid, addressed as per the attached service list, for collection and mailing at Pepper Hamilton LLP, Suite 1200, 4 Park Plaza, Irvine, CA 92614-5955, following ordinary business practices. I am readily familiar with Pepper Hamilton LLP's practice for collection and processing of documents for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day as it is collected and processed for mailing in the ordinary course of business.

BY OVERNIGHT DELIVERY

By delivering the document(s) listed above in a sealed envelopes) or package(s) designated by the express service carrier, with delivery fees paid or provided for, addressed as per the attached service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to receive documents.

Note: Federal Court requirement: service by overnight delivery was made pursuant to agreement of the parties, confirmed in writing, or as an additional method of service as a courtesy to the parties or pursuant to Court Order.

BY FACSIMILE

Before 5:00 p.m. on said date, I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (949) 863-0151. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

BY E-MAIL

By electronically transmitting the documents) listed above to the email address(es) of the person(s) set forth on the attached service list from the email address goldmanj@pepperlaw.com at approximately _____. To my knowledge, the transmission was reported as complete and without error. Service by email was made pursuant to agreement of the parties, confirmed in writing, or as an additional method of service as a courtesy to the parties or pursuant to Court Order. See Cal. R. Ct. R. 2.260.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on **November 15, 2011**, at Irvine, California.

Jennifer S. Allen
Type or Print Name



Signature

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

SERVICE LIST

THOMAS NEMETH
21250 Hawthorne Boulevard, Suite 500
Torrance, California 90503