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7 Attorneys for Defendant
HEAT AND CONTROL, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 HIGH TEK USA, INC., a California
13 corporation,

14 Plaintiff,

15 v.

16 HEAT AND CONTROL, INC., a California
17 corporation, and DOES 1-10, inclusive,

18 Defendants.

Case No. 3:12-cv-805-WHO

**STIPULATED REQUEST FOR ORDER
CHANGING TIME PURSUANT TO
LOCAL RULE 6-2 AND ORDER**

1 Pursuant to Northern District of California Local Rule 6-2, plaintiff High Tek USA, Inc.
2 (“High Tek”) and defendant Heat and Control, Inc. (“Heat and Control”) jointly submit this
3 Stipulated Request for Changing Time and hereby stipulate as follows:

4 WHEREAS, on April 9, 2013, the Court entered the Scheduling Order setting the last day
5 for fact discovery as October 11, 2013. [Docket No. 57]

6 WHEREAS, pursuant to Local Rule 37-3, the deadline to file a motion to compel further
7 fact discovery is Friday, October 18.

8 WHEREAS, on October 1, 2013, Heat and Control took the deposition of High Tek
9 pursuant to Federal Rule of Civil Procedure 30(b)(6). High Tek’s deponent was unable to answer
10 certain questions during that deposition on topics for which the deposition had been noticed.

11 WHEREAS, on October 15, Heat and Control and High Tek’s counsel met and conferred
12 via telephone regarding Heat and Control’s request that High Tek produce a witness prepared to
13 fully answer questions falling under Topics Nos. 12, 13 and 14 of the Rule 30(b)(6) deposition
14 notice directed to High Tek.

15 WHEREAS, High Tek proposed that in lieu of a further deposition it provide written
16 answers to the questions at issue.

17 WHEREAS, Heat and Control agrees to the proposal, subject to the right to bring a
18 motion to compel after the deadline set by Local Rule 37-3 if it determines that High Tek’s
19 written responses are insufficient.

20 WHEREAS, the parties believe that extending the motion to compel deadline for this
21 issue may allow them to resolve or narrow issues relating to High Tek’s responses to the
22 deposition topics.

23 WHEREAS, the proposed modification to the motion to compel deadline will not impact
24 any other date or deadline set by the Scheduling Order or by Local Rule.

25 WHEREAS, this is the first time that the parties have sought to continue dates in this
26 matter.

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1 IT IS THEREFORE STIPULATED and AGREED, and the parties ask the Court to adopt
2 as its order the following:

3 **STIPULATION**

4 1. High Tek shall provide supplemental responses to Heat and Control's Special
5 Interrogatories Nos. 1-9, such responses to provide information responding to the questions posed
6 during the October 1 deposition of High Tek for which High Tek's deponent was unable to
7 answer.

8 2. High Tek shall serve such supplemental discovery responses upon Heat and
9 Control on or before October 23, 2013.

10 3. Heat and Control's deadline for bringing a motion to compel further responses to
11 Topics 12, 13 and 14 of the deposition notice of High Tek shall be continued to November 1.

12 IT IS SO STIPULATED.

13 Dated: October 17, 2013

ROBERT S. SHWARTS
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Orrick, Herrington & Sutcliffe LLP

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15 By: /s/ Russell P. Cohen

RUSSELL P. COHEN
Attorneys for Defendant
HEAT AND CONTROL, INC.

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17
18 Dated: October 17, 2013

JENNIFER RANDLETT MADDEN
ANTHONY L. VIGNOLO
CAROLINE M. COLANGELO
Downey Brand LLP

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21 By: /s/ Anthony L. Vignolo

Anthony L. Vignolo
Attorneys for Plaintiff
HIGH TEK USA, INC.

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23
24 I, Russell Cohen, am the ECF User whose User ID and password are being used to file
25 this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the above-listed
26 signatories have concurred in this filing.

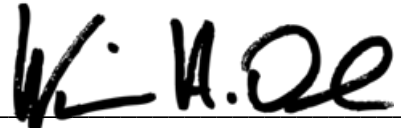
27 /s/ Russell P. Cohen

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 18, 2013



William H. Orrick
United States District Judge