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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 by October 23, 2013.

17 WHEREAS, Heat and Control agreed to the proposal, subject to the right to bring a  
18 motion to compel by November 1, 2013, after the deadline set by Local Rule 37-3 if it determines  
19 that High Tek’s written responses are insufficient.

20 WHEREAS, the Court granted the parties’ stipulation that High Tek provide written  
21 answers by October 23, 2013 and extending the motion to compel deadline to November 1, 2013.  
22 [Docket No. 66]

23 WHEREAS, High Tek now requests until November 4, 2013 to provide full written  
24 answers.

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

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

3 WHEREAS, this is the second time that the parties have sought to continue dates in this  
4 matter.

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

7 **STIPULATION**

8 1. High Tek shall provide supplemental responses to Heat and Control's Special  
9 Interrogatories Nos. 1-9, such responses to provide information responding to the questions posed  
10 during the October 1, 2013 deposition of High Tek for which High Tek's deponent was unable to  
11 answer.

12 2. High Tek shall serve such supplemental discovery responses upon Heat and  
13 Control on or before November 4, 2013.

14 3. Heat and Control's deadline for bringing a motion to compel further responses to  
15 Topics 12, 13 and 14 of the deposition notice of High Tek shall be continued to November 6,  
16 2013.

17 IT IS SO STIPULATED.

18 Dated: October 31, 2013

ROBERT S. SHWARTS  
RUSSELL P. COHEN  
Orrick, Herrington & Sutcliffe LLP

19 By: /s/ Russell P. Cohen

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

23 Dated: October 31, 2013

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

24 By: /s/ Anthony L. Vignolo

25 Anthony L. Vignolo  
26 Attorneys for Plaintiff  
27 HIGH TEK USA, INC.  
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1 I, Russell Cohen, am the ECF User whose User ID and password are being used to file  
2 this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the above-listed  
3 signatories have concurred in this filing.

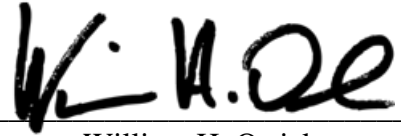
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5 /s/ *Russell P. Cohen*  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 1, 2013



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William H. Orrick  
United States District Judge