

1 ROBERT S. SHWARTS (STATE BAR NO. 196803)  
rshwarts@orrick.com  
2 RUSSELL P. COHEN (STATE BAR NO. 213105)  
rcohen@orrick.com  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
4 405 Howard Street  
San Francisco, California 94105-2669  
5 Telephone: +1-415-773-5700  
Facsimile: +1-415-773-5759  
6

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 subsequently requested until November 4, 2013 to provide full  
24 written answers.

25 WHEREAS, the Court granted the parties’ stipulation that High Tek provide written  
26 answers by November 4, 2013 and extending the motion to compel deadline to November 6,  
27 2013. [Docket No. 67]

28 WHEREAS, High Tek has agreed to a further deposition of Jay Brown on topics 12-14 of

1 Heat and Control's Rule 30(b)(6) deposition notice by November 18, 2013.

2 WHEREAS, the proposed deposition date will not impact any other date or deadline set  
3 by the Scheduling Order or by Local Rule.

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

6 **STIPULATION**

7 High Tek shall produce Jay Brown to testify on topics 12-14 of Heat and Control's Rule  
8 30(b)(6) deposition notice on or before November 18, 2013 (and on November 14, 2013 if he is  
9 available that date) in Sacramento.

10  
11 IT IS SO STIPULATED.

12 Dated: November 6, 2013

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

15 By: /s/ Russell P. Cohen

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

17 Dated: November 6, 2013

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

20 By: /s/ Matthew J. Weber

21 Matthew J. Weber  
Attorneys for Plaintiff  
HIGH TEK USA, INC.

22  
23 I, Russell Cohen, am the ECF User whose User ID and password are being used to file  
24 this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the above-listed  
25 signatories have concurred in this filing.

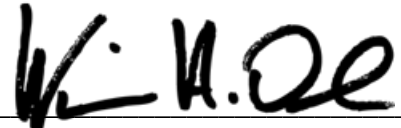
26 /s/ Russell P. Cohen

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

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 7, 2013



---

William H. Orrick  
United States District Judge