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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 JASON TRABAKOOLAS, SHEILA
STETSON, JACK WHEELER, CHRISTIE
15 MOONEY AND KEVEN TURNER
16 individually and on behalf of all others
similarly situated,

17 Plaintiffs,

18 v.

19 WATTS WATER TECHNOLOGIES, INC.,
20 WATTS REGULATOR CO., AND
WOLVERINE BRASS, INC.

21 Defendants.

No. 3:12-cv-01172-WHO (EDL)

CLASS ACTION

**STIPULATION AND ORDER
STAYING LITIGATION AND
PENDING DEADLINES FOR 45
DAYS.**

Honorable William H. Orrick III

22 Pursuant to Civil Local Rule 6-2, Plaintiffs Jason Trabakoolas, Sheila
23 Stetson, Jack Wheeler, Christie Mooney, and Keven Turner and Defendants Watts
24 Water Technologies, Inc., Watts Regulator Co., and Wolverine Brass, Inc., hereby
25 submit this Stipulated Request for Order Staying the Litigation and all Pending
26 Deadlines for 45 Days to focus on settlement discussions.
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1 **WHEREAS**, the parties engaged in two full day private mediation session
2 before former United States District Judge, Hon. Layn Phillips (Ret.) on February
3 20, 2013 and August 20, 2013, in an effort to resolve this case.

4 **WHEREAS**, following the August 20, 2013, mediation session, the parties
5 made significant progress toward settlement. Judge Phillips directed the parties to
6 complete a term sheet and to respond to a mediator's proposal that could lead to a
7 settlement.

8 **WHEREAS**, the Court entered an order on July 30, 2013 (ECF No. 211)
9 setting certain deadlines for this case:

- 10 1. Plaintiffs' Rebuttal Expert Reports, September 30,
 2013;
- 11 2. Expert Discovery Cutoff, October 21, 2013
- 12 3. *Daubert* Hearing, December 6, 2013;
- 13 4. Class Certification Hearing, February 5, 2014;
- 14 5. Pre-trial Conference, November 17, 2014; and
6. Trial by Jury, December 1, 2014

15 **WHEREAS**, the parties are in an intensive phase of the litigation, with
16 multiple deadlines in the next 60 days which will demand significant resources
17 from the parties and the Court. Plaintiffs' experts are presently preparing their
18 rebuttal reports. In addition, Defendants' 8 testifying experts are scheduled to be
19 deposed at various locations around the country between August 28 and
20 September 28. Plaintiffs also intend to depose other witnesses who Defendants'
21 experts have identified and/or consulted and have propounded further
22 interrogatories and document requests. Defendants will be taking the further
23 depositions of two named plaintiffs as well as all of Plaintiffs' rebuttal experts.

24 The parties together have filed or are meeting and conferring on at least five
25 discovery motions. Plaintiffs have one such motion currently pending before
26 Judge Laporte. (ECF No. 224). In addition, Plaintiffs would begin the meet and
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1 confer process with Defendants' regarding Judge Laporte's August 1, 2013 order
2 granting in-part Plaintiffs' motion to compel documents withheld on the grounds
3 of privilege, and ordering the parties to meet and confer to resolve outstanding
4 issues related to the documents which were the subject of the motion. (ECF No.
5 210).

6 **WHEREAS**, due to the expense and time associated with all of these
7 litigation activities, the parties, with the support of Judge Phillips, ask the Court to
8 stay all of the litigation activity for 45 days so they can continue to focus their
9 efforts on reaching a resolution. Judge Phillips would be pleased to discuss his
10 recommendation with the Court and can be reached at (949) 760-0991 or
11 lphillips@irell.com.

12 **WHEREAS**, the parties do not believe that a 45 day stay will impact the
13 scheduled pre-trial conference or the trial date set by the Court.

14 **WHEREAS**, within 30 days, the parties will submit a joint report to the
15 Court advising of the status of the settlement discussions and, if necessary,
16 propose a schedule for further proceedings.

17 **IT IS SO STIPULATED.**

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1 Dated: August 22, 2013

SIMON B. PARIS
PATRICK HOWARD
**SALTZ, MONGELUZZI, BARRETT
& BENDESKY, P.C.**

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3
4 By: /s/ Patrick Howard

PATRICK HOWARD
Admitted Pro Hac Vice

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6 Attorneys for Plaintiffs

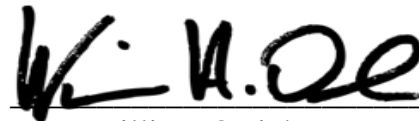
7 DAVID S MACCUISH
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8
9 By: /s/ David S. MacCuish
David S. MacCuish (SBN 54024)

10 *Attorneys for Defendants*
WATTS REGULATOR CO.,
WATTS WATER
TECHNOLOGIES, INC.
and WOLVERINE BRASS, INC.

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14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16 Date: August 22, 2013



17 Hon. William Orrick III
18 United States District Judge