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 16 SOLUTIONS, LP and Defendants K2 PURE SOLUTIONS
 17 NOCAL, L.P. and K2 PURE SOLUTIONS PITTSBURG, LP.

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 IMTIAZ KHAN, an individual, TIM) Case No. 3:12-CV-12-05526-WHO
 21 MORRIS, an individual, RICK SEISINGER,)
 22 an individual, and NEELESH SHAH, an)
 23 individual,)

24 Plaintiffs,)

25 vs.)

26 K2 PURE SOLUTIONS, LP, a Delaware)
 27 limited partnership, K2 PURE SOLUTIONS)
 28 NOCAL, L.P., a Delaware limited)
 partnership, K2 PURE SOLUTIONS)
 PITTSBURG, L.P., a Delaware limited)
 partnership, and DOES 1 through 10)

Defendants.)

**STIPULATION AND ORDER
 LIMITING DISCOVERY PENDING
 RULING ON DEFENDANTS'
 PENDING MOTIONS**

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Plaintiffs Imtiaz Khan, Tim Morris, Rick Seisinger, and Neelesh Shah (collectively, “Plaintiffs”), and Defendants K2 Pure Solutions, L.P., K2 Pure Solutions Nocal, L.P., and K2 Pure Solutions Pittsburg, L.P. (collectively, “K2” or “Defendants”) hereby stipulate and agree:

1. As of the date of the filing of this Stipulation and Proposed Order through the date of the hearing on Defendants’ Motion to Dismiss Causes of Action 3, 5, 6, 7, and 8 of Plaintiffs’ Third Amended Complaint and Motion to Strike Pursuant to FRCP 12(f) (Ct. Dkt. No. 73) (“Defendants’ Motion to Dismiss”) and Motion for Reconsideration of the Court’s Order Granting Summary Judgment on Ninth Cause of Action (Ct. Dkt. No. 78) set on November 27, 2013, the parties agree to limit discovery to the following topics: (1) jurisdictional issues; (2) Plaintiffs’ claim for waiting time penalties; and (3) K2’s counterclaim for overpaid vacation against Timothy Morris and Imtiaz Khan. The parties agree that all responses to outstanding written discovery propounded by Plaintiffs which relate to claims not disposed of by Defendants’ Motion to Dismiss will be due by no later than Friday, December 13, 2013 by electronic service. The parties further agree that all responses to outstanding written discovery propounded by Defendants which relate to claims not disposed of by Defendants’ Motion to Dismiss will be due by no later than Friday, December 27, 2013 by electronic service.

2. The parties agree to an extension of the existing December 6, 2013 discovery cut-off deadline and respectfully request that the Court enter the parties’ proposed order continuing the existing discovery cut-off deadline to Friday, February 28, 2014. In the event the existing discovery cut-off date is not continued by this Court, the parties reserve the right to amend the due dates of the responses referenced in Paragraph (1) above.

3. The parties further agree that it will be unnecessary to identify or assert any attorney-client privilege or work product protection with regard to (1) privileged documents prepared after September 15, 2012 by or at the direction of legal counsel related to this litigation or related litigation; (2) any correspondence sent after September 15, 2012 between an attorney and his/her client or among attorneys jointly representing a client in this litigation or related

litigation. For purposes of this stipulation, related litigation includes the cases styled *K2 Pure Solutions, LP v. Imtiaz Khan and Neelesh Shah*, Civ. No. 5:12-CV-02558, in the United States District Court for the Northern District of Ohio, and *K2 Pure Solutions, LP v. Molycorp Inc., Molycorp Minerals, LLC, Timothy M. Morris, and Richard J. Seisinger*, Case No. A-12-670067-B, in the District Court of Clark County, Nevada. Except to the foregoing documents and communications, the parties agree that this agreement does not relieve either party of the requirement to timely assert the attorney-client privilege, work product doctrine or any other applicable objections in responses to written discovery or at deposition in order to preserve such objections.

IT IS SO STIPULATED.

Dated: November 8, 2013

VALDEZ TODD & DOYLE LLP
Troy A. Valdez

/s/ Sheila A. Khan-Variba

By _____
Sheila A. Khan-Variba
Attorneys for Plaintiffs
Imtiaz Khan, Tim Morris, Rick Seisinger, and
Neelesh Shah

Dated: November 8, 2013

SMITH LILLIS PITHA LLP
Martin L. Pitha

/s/ Martin L. Pitha

By _____
Martin L. Pitha
Attorneys for Defendants

Dated: November 8, 2013

FULBRIGHT & JAWORSKI L.L.P.
Gerard G. Pecht [*pro hac vice* application to be filed]
Brian C. Boyle, admitted *pro hac vice*
Lauren W. Varnado [*pro hac vice* application to be
filed]

/s/ Brian C. Boyle
By _____
BRIAN C. BOYLE
Attorneys for Defendants

ORDER

Upon consideration of the foregoing Stipulation, **PURSUANT TO STIPULATION, IT IS SO ORDERED, as modified**, that:

(1) As of the date of the filing of this Stipulation through the November 27, 2013, hearing date, the parties' discovery shall be limited to issues related to: (1) jurisdictional issues; (2) Plaintiffs' claim for waiting time penalties; and (3) Defendants' counterclaim for overpaid vacation;

(2) All responses to outstanding written discovery propounded by Plaintiffs which relate to claims not disposed of by Defendants' Motion to Dismiss will be due by no later than Friday, December 13, 2013, by electronic service. All responses to outstanding written discovery propounded by Defendants which relate to claims not disposed of by Defendants' Motion to Dismiss will be due by no later than Friday, December 27, 2013, by electronic service.

(3) **The Court will hold a further Case Management Conference at the conclusion of the hearing on November 27, 2013, to discuss the case schedule.** The existing December 6, 2013, discovery cut-off deadline will be extended at that time once it is clear to the Court how much discovery remains and clear to the parties what impact any necessary extension would have on the trial date.

Dated: November 14, 2013



William H. Orrick
United States District Court Judge