

 **FARELLA BRAUN + MARTEL LLP**
Attorneys At Law

Russ Building / 235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480
www.fbm.com

KAREN P. KIMMEY
kkimney@fbm.com
D 415.954.4407

June 22, 2010

Via ECF/PACER filing

Hon. Bernard Zimmerman
United States Magistrate Judge
450 Golden Gate Avenue
San Francisco, CA 94102

Re: National Union v. NVIDIA Corporation, Case No. 09-2046 CW

Dear Judge Zimmerman:

On June 10, 2010, this Court issued an Order instructing NVIDIA to complete its document production by the end of the month if the parties were not able to get an extension from Judge Wilken of her October 27, 2009 Case Management Order. The Order also instructed National Union Fire Insurance Company of Pittsburgh, PA ("National Union") to resolve any document production issues with third parties by the end of June, or file an appropriate motion. (See Doc. #136.) On June 16, 2010, the parties submitted a Stipulated Request for Order Changing Time pursuant to Civil Local Rule 6-2. (See Doc. #137.) Specifically, the parties requested an extension from September 10, 2010 to March 10, 2011 for the completion of fact discovery. On June 18, 2010, Judge Wilken issued the attached order granting the request. (See Doc. #139.)

Given the extension of the discovery period, the parties have agreed to continue to discuss the timing and manner of completing NVIDIA's document production. The parties will continue to meet and confer as needed to discuss any issues, and do not believe that the Court's intervention is required at this point. Therefore, while NVIDIA will endeavor to complete its production as quickly as possible, NVIDIA requests that it be excused from the requirement that it complete its voluminous production by the end of June.

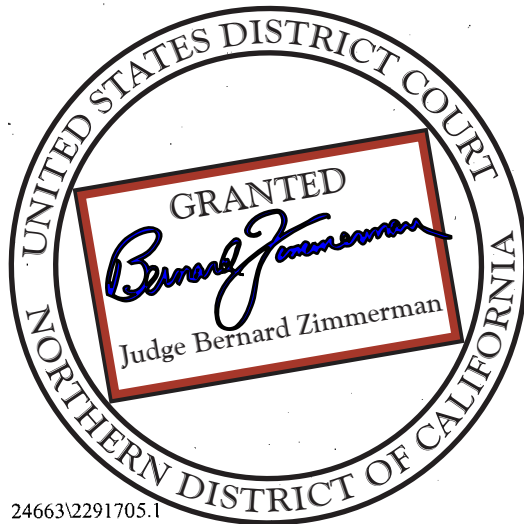
Additionally, both prior to and following the issuance of Judge Wilken's Order, William J. Goines, counsel for National Union, has engaged in conversations with counsel for the third parties who have been served with subpoenas (Apple, Dell, Hewlett-Packard, and Toshiba) and is continuing to meet and confer with them in regard to the scope of the subpoenas and for the production of responsive documents. Given the extension of the time period to complete fact discovery and that the meet and confer and production process is ongoing, National Union requests that it be excused from the requirement that it file any motions with respect to these



Magistrate Judge Bernard Zimmerman
June 22, 2010
Page 2

third parties by the end of June. With the Court's permission, any motions, if necessary, would be filed no later than September 1, 2010.

Very truly yours,



24663\2291705.1

/s/

William J. Goines
Attorney for Plaintiff National Union Fire
Insurance Company of Pittsburgh, PA

/s/

Karen P. Kimmey
Attorney for Defendant NVIDIA
Corporation

1 Mary E. McCutcheon (State Bar No. 099939)
 mmccutcheon@fbm.com
 2 Karen P. Kimmey (State Bar No. 173284)
 kkimmey@fbm.com
 3 Amanda D. Hairston (State Bar No. 251096)
 ahairston@fbm.com
 4 Farella Braun & Martel LLP
 235 Montgomery Street, 17th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 954-4400
 6 Facsimile: (415) 954-4480

7 Attorneys for Defendant and Counter-claimant
 NVIDIA CORPORATION
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12 NATIONAL UNION FIRE INSURANCE
 13 COMPANY OF PITTSBURGH, PA,

14 Plaintiff,

15 vs.

16 NVIDIA CORPORATION,

17 Defendant.
 18

19
 20 NVIDIA CORPORATION,

21 Counter-claimant,

22 vs.

23 NATIONAL UNION FIRE INSURANCE
 24 COMPANY OF PITTSBURGH, PA,

25 Counter-defendant.
 26
 27
 28

Case No. C 09-2046 CW

Related Case No. 10-1812 CW

**STIPULATED REQUEST FOR ORDER
 CHANGING TIME PURSUANT TO CIVIL
 L.R. 6-2; ~~PROPOSED~~ ORDER - AS MODIFIED**

Judge: Hon. Claudia Wilken
 Courtroom: 2

Complaint Filed: May 8, 2009

1
2 Pursuant to Civil L.R. 6-2, the parties, through their undersigned counsel, submit the
3 following stipulation and request an order changing time:

4 WHEREAS, the Court filed a Minute Order and Case Management Order on October 27,
5 2009 (the "October 27 Order"), which set the schedule for the above-captioned case as follows:

- 6 • 12/15/2009: ADR session deadline (private mediation)
- 7 • 09/10/2010: Completion of fact discovery
- 8 • 09/10/2010: Disclosure of identities and reports of expert witnesses
- 9 • 10/28/2010: Plaintiff to file opening brief re dispositive motion
- 10 • 10/29/2010: Completion of expert discovery
- 11 • 11/12/2010: Defendant's opposition and any cross-motion due
- 12 • 11/18/2010: Plaintiff's reply and opposition to cross-motion
- 13 • 11/29/2010: Defendant's reply to cross-motion
- 14 • 12/16/2010: All case-dispositive motions to be heard on or before 2 p.m.
Further Case Management Conference
- 15 • 03/15/2011: Final Pretrial Conference
- 16 • 03/28/2011: 10-day jury trial to begin

17 WHEREAS, the parties completed the ADR session within the schedule set forth in the
18 October 27 Order;

19 WHEREAS, the parties have engaged in fact discovery and are continuing to do so;

20 WHEREAS, neither Plaintiff nor Defendant expect to be able to complete fact discovery
21 by the September 10, 2010 deadline;

22 WHEREAS, the parties believe and agree that they need approximately six months from
23 September 10, 2010, to complete fact discovery, as they require additional written and document
24 discovery and the taking of depositions;

25 WHEREAS, the parties have never before requested from this Court an extension of any
26 deadline in this case;

27 THEREFORE, IT IS HEREBY STIPULATED THAT:

28 Subject to the Court's approval of this Stipulation, the schedule set forth in the October 27
Order shall be modified as follows:

- 03/10/2011: Completion of fact discovery
- 03/10/2011: Disclosure of identities and reports of expert witnesses
- 4/28/2011: Plaintiff to file opening brief re dispositive motion
- 4/29/2011: Completion of expert discovery
- 5/12/2011: Defendant's opposition and any cross-motion due
- 5/18/2011: Plaintiff's reply and opposition to cross-motion

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

- 5/30/2011: Defendant's reply to cross-motion
- 6/16/2011: All case-dispositive motions to be heard on or before 2 p.m. Further Case Management Conference
- 09/15/2011: Final Pretrial Conference
- 09/28/2011: 10-day jury trial to begin

Dated: June 15, 2010

BATES & CAREY LLP

By: 
Jennifer Bergstrom

Attorneys for Plaintiff and Counter-defendant
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

Dated: June 15, 2010

FARELLA BRAUN + MARTEL LLP

By: 
Karen P. Kimmey

Attorneys for Defendant and Counter-claimant
NVIDIA CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED., EXCEPT THAT PTC
WILL BE 9/13 & TRIAL WILL BE 9/26/11.

Dated: 6/18/2010


JUDGE CLAUDIA WILKEN
United States District Judge