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 7 and Insurance Company of the State of Pennsylvania

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12 Attorneys for Plaintiffs Seagate Technology, LLC, Seagate Technology International,
 13 and Seagate Singapore International Headquarters PTE LTD

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
 16

17 SEAGATE TECHNOLOGY LLC,)	CASE NO. CV-09-4120-CW
a Delaware corporation; SEAGATE)	
18 TECHNOLOGY INTERNATIONAL,)	The Honorable Claudia Wilken
a Cayman Islands Company; SEAGATE)	Courtroom 2
19 SINGAPORE INTERNATIONAL)	
HEADQUARTERS PTE LTD, a Singapore)	STIPULATION AND ORDER REGARDING
20 corporation,)	DEPOSITION OF A. CHRISTINE DAVIS
)	
21 Plaintiffs,)	
)	
22 v.)	
)	
23 NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA, a)	
24 Pennsylvania corporation; INSURANCE)	
COMPANY OF THE STATE OF)	
25 PENNSYLVANIA, a Pennsylvania)	
corporation,)	
26)	
Defendants.)	
27)	

**LEWIS
 S
 BRISBOIS**

1 **WHEREAS**, plaintiffs Seagate Technology, LLC, Seagate Technology International, and
2 Seagate Singapore International Headquarters PTE LTD (collectively, “Seagate”) have filed a
3 Complaint against National Union Fire Insurance Company of Pittsburgh, Pa. (“National Union”)
4 and Insurance Company of the State of Pennsylvania (“ISOP”) alleging claims for relief for Breach
5 of Contract and Tortious Breach of the Implied Covenant of Good Faith and Fair Dealing.

6 **WHEREAS**, Seagate retained A. Christine Davis to provide expert testimony in this action
7 regarding the following:

- 8 a. The amount of statutory surplus reported in the financial statements of National
9 Union and ISOP based upon the most recent publicly available information; and
- 10 b. The financial strength of National Union and ISOP based upon the most recent
11 publicly available information.

12 **WHEREAS**, Ms. Davis issued a report dated October 8, 2010 setting forth her opinions on
13 these two topics (the “October 8 Report”).

14 **NOW THEREFORE**, to avoid the expense of depositions, Seagate, National Union and
15 ISOP, by and through their respective counsel, hereby stipulate and agree as follows:

- 16 1. National Union and ISOP will forego deposing Ms. Davis in her capacity as an expert
17 in this matter;
- 18 2. Seagate agrees that Ms. Davis’s testimony at trial will be limited to the facts and
19 opinions contained in the October 8 Report; and
- 20 3. If Ms. Davis revises, supplements, or otherwise change the fact and opinions set forth
21 in the October 8 Report, Seagate agrees to make Ms. Davis available for a deposition at a reasonable
22 place and time.

23 DATED: November 9, 2010

LEWIS BRISBOIS BISGAARD & SMITH LLP

25 By /s/ Stephen V. Kovarik

Rebecca R. Weinreich

Stephen V. Kovarik

26 Attorneys for Defendants,
27 National Union Fire Insurance Company of
28 Pittsburgh, Pa. and Insurance Company of
the State of Pennsylvania

1 DATED: November 9, 2010

FARELLA BRAUN + MARTEL, LLP

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By /s/ Tyler Gerking
Mary E. McCutcheon, Esq.
Tyler C. Gerking, Esq.
Brett R. Wheeler, Esq.
Attorneys for Plaintiffs,
Seagate Technology, LLC, Seagate Technology
International, and Seagate Singapore International
Headquarters PTE LTD

File's Attestation: Pursuant to General Order No. 45, §X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from its signatory.

DATED: November 9, 2010

Respectfully submitted,

/s/ Stephen V. Kovarik
Stephen V. Kovarik

PURSUANT TO STIPULATION, IT IS SO ORDERED subject to the Court's modification based on trial proceedings.

DATED: 11/12/2010

Claudia Wilken
THE HONORABLE CLAUDIA WILKEN

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FEDERAL COURT PROOF OF SERVICE
Seagate Technology, LLC, et al. v. National Union
Fire Insurance Company of Pittsburgh, Pa, et al.
Case No. CV-09-4120-CW

(LBBS File No. 6234-7284)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On November 9, 2010, I served the following document(s): **STIPULATION AND [PROPOSED] ORDER REGARDING DEPOSITION OF A. CHRISTINE DAVIS**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Mary E. McCutcheon, Esq.
Tyler C. Gerking, Esq.
Brett R. Wheeler, Esq.
FARELLA BRAUN + MARTEL, LLP
235 Montgomery Street, 17th Floor
San Francisco, California 94104
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Attorneys for Plaintiffs Seagate Technology, LLC, Seagate Technology International, and Seagate Singapore International Headquarters PTE LTD

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on November 9, 2010, at Los Angeles, California.

Tamara Richardson