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6 Attorneys for non-parties

7 MIKE HILBERMAN and DANIEL WOODS

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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

13 TECHSHOP, INC. a California
 14 corporation, DORIS A. KAELIN, in
 her capacity as Chapter 7 trustee for
 TECHSHOP, INC.

15 Plaintiff,

16 v.

17 DAN RASURE, an individual residing
 18 in Kansas, TECHSHOP 2.0 LLC, a
 Kansas limited liability corporation,
 19 TECHSHOP 2.0 SAN FRANCISCO
 LLC, a Kansas limited liability
 20 corporation,

21 Defendants.

CASE NO. 4:18-CV-01044-HSG (JCS)

**STIPULATION AND ORDER TO
 LIMIT THE TESTIMONY OF
 DANIEL WOODS AT TRIAL**

Judge: Hon. Haywood S. Gilliam, Jr.

22 AND RELATED COUNTERCLAIMS
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STIPULATION AND ORDER TO LIMIT
 THE TESTIMONY
 CASE NO. 4:18-CV-01044-HSG (JCS)

1 Counsel for the parties and non-party witnesses Mike Hilberman and Daniel
2 Woods (the “Parties”) hereby stipulate as follows:

3 WHEREAS, on April 25, 2019, non-party witnesses Mike Hilberman and
4 Daniel Woods filed their Motion to Modify Defendants’ Subpoena to Limit Scope
5 of Testimony at Trial, or in the Alternative, A Motion for Productive Order (ECF
6 No. 159) (“Motion”);

7 WHEREAS, on May 3, 2019, the Court granted the parties stipulation to re-
8 schedule the hearing on the Motion from August 22, 2019 to May 23, 2019 (ECF
9 Nos. 171);

10 WHEREAS, Mssrs. Woods and Hilberman are defendants or potential parties
11 in the following matters:

- 12 - *John S. and James L. Knight Foundation v. TechShop San Jose, LLC,*
13 *Early Growth Financial Services, Inc., Mike Hilberman and Daniel*
14 *Woods*, Case No. 18CV330565 –pending in the Superior Court of the
15 State of California, County of Santa Clara (“Knight Foundation
16 Lawsuit”); and
- 17 - The Bankruptcy Trustee’s threatened lawsuit against Mr. Woods and Mr.
18 Hilberman in the bankruptcy action entitled *In re TechShop, Inc.*, Case
19 No. 18-50398 (MEH), which is pending in the United States District
20 Court, Northern District of California (“Trustee’s Action”).
- 21 - The Knight Foundation Lawsuit and the Trustee’s Action are collectively
22 referred to as “The Other Matters”.

23 WHEREAS, the Motion seeks to limit and exclude the testimony sought of
24 Mssrs. Hilberman and Woods regarding The Other Matters, which are wholly
25 unrelated and irrelevant to the subject lawsuit, and/or otherwise protected by the
26 attorney-client and/or “work product” privileges;

27 WHEREAS, on May 8, 2019, the Court granted TechShop, Inc.’s motion in
28 limine to exclude Mr. Hilberman from testifying at trial (ECF No. 182);

1 WHEREAS, as a result of the Court's order excluding Mr. Hilberman from
2 testifying at trial, the Motion, as it pertains to Mr. Hilberman, is moot;

3 WHEREAS, the Parties have further met and conferred regarding the subject
4 matter of the Motion as it pertains to Mr. Woods and have agreed to a resolution to
5 avoid a hearing on the Motion;

6 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the
7 Parties, through their respective counsel and subject to the Court's approval that the
8 Parties will not seek to elicit any testimony from Dan Woods regarding The Other
9 Matters, including any communications between Mr. Woods and his counsel
10 regarding The Other Matters;

11 IT IS FURTHER STIPULATED AND AGREED THAT notwithstanding the
12 foregoing, nothing in this Stipulation is intended, nor shall it be construed, to limit
13 Defendants' right to elicit any testimony from Mr. Woods regarding TechShop,
14 Inc.'s alleged fraud and/or alleged misrepresentation, but to the extent the Parties
15 do so, the testimony sought will be limited to communications and dealings with
16 Dan Rasure and the parties in the subject action, or related to the events described
17 in the complaint and counterclaim in this subject action or the consequences
18 thereof, without reference to The Other Matters.

19 IT IS FURTHER STIPULATED AND AGREED THAT this Stipulation
20 does not impact Defendants' right to elicit testimony from Mr. Woods regarding the
21 remainder of the issues disclosed in their Trial Witness List as to Mr. Woods.

22
23 Dated: May 13, 2019

ARENT FOX LLP

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25 By: /s/ Tracy Luu-Varnes
26 ALLAN E. ANDERSON
27 TRACY LUU-VARNES
28 Attorneys for Non-Party Witnesses
Mike Hilberman and Daniel Woods

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Dated: May 13, 2019

PARRISH LAW OFFICE

By: /s/ James Charles Pistorino
James Charles Pistorino
Parrish Law Office
Attorneys for Plaintiff/Cross-Defendant

Dated: May 13, 2019

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Attorneys for Defendants and
Counterclaimants

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DECLARATION PURSUANT TO LOCAL RULE 5-1

I, Tracy Luu-Varnes, hereby declare pursuant to Civil Local Rules 5-1(i)(3), I have obtained the concurrence in the filing of this document has been obtained from each of the above signatories.

Executed this 13th day of May, 2019, in Los Angeles, California.

By /s/ Tracy Luu-Varnes
TRACY LUU-VARNES

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/14/2019


JUDGE HON. HAYWOOD S. GILLIAM, JR.
United States District Court
Northern District of California