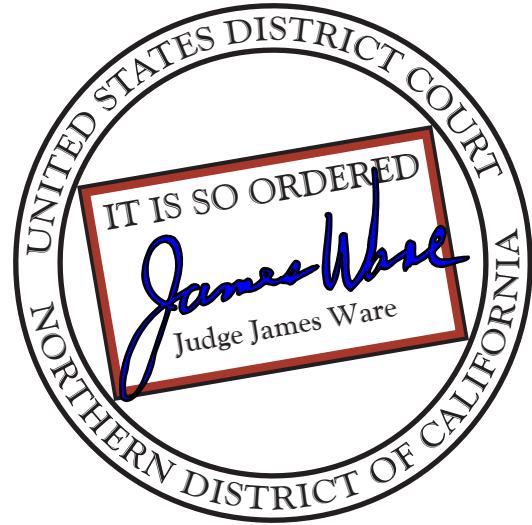


1 DAVID A. GAUNTLETT [SBN 96399]  
 JAMES A. LOWE [SBN 214383]  
 2 **GAUNTLETT & ASSOCIATES**  
 18400 Von Karman, Suite 300  
 3 Irvine, California 92612-0505  
 Telephone: (949) 553-1010  
 4 Facsimile: (949) 553-2050  
 Attorneys for Plaintiff  
 5 HEWLETT-PACKARD COMPANY

6 ROBERT J. ROMERO [SBN 136839]  
 BRADLEY M. ZAMCZYK [SBN 151753]  
 7 **HINSHAW & CULBERTSON**  
 244 Jackson Street, Suite 300  
 8 San Francisco, California 94111-1826  
 Telephone: (415) 362-6000  
 9 Facsimile: (415) 834-9070  
 Attorneys for Defendant  
 10 ACE PROPERTY AND CASUALTY INSURANCE COMPANY



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

15 HEWLETT-PACKARD COMPANY,  
 16 Plaintiff,  
 17 vs.  
 18 ACE PROPERTY AND CASUALTY  
 19 INSURANCE COMPANY,  
 20 Defendant.

) CASE NO.: C-99-20207 JW  
 )  
 ) Hon. James Ware  
 )  
 ) **STIPULATION AND [Proposed] ORDER**  
 ) **STAYING ENFORCEMENT OF WRIT OF**  
 ) **EXECUTION**  
 )  
 ) [L.R. 7-12]

1 **STIPULATION**

2 Pursuant to Civil L.R. 7-12, this Stipulation is entered into by and between Plaintiff Hewlett-  
3 Packard Company (“HP”) and defendant ACE Property and Casualty Insurance Company (“ACE”)  
4 and is made with reference to the following facts:

5 WHEREAS, on November 5, 2008, ACE caused the Clerk of the United States District Court,  
6 Northern District of California, to issue a Writ of Execution (the “Writ”) for the enforcement of a  
7 “money judgment” in the sum of \$184,598.00 in favor of ACE and against HP; and

8 WHEREAS, ACE contends that the Writ was appropriately issued to assist in the enforcement  
9 of an unpaid November 25, 2003 discovery sanctions order in ACE’s favor and against HP, but HP  
10 contends that any such order was an interim order that never became final or a judgment and so the  
11 Writ should not have been issued and now should be quashed; and

12 WHEREAS, HP has filed a motion to quash the Writ of Execution set for hearing on December  
13 22, 2008; and

14 WHEREAS, HP and ACE agree that the Writ of Execution should be stayed until the Court  
15 rules on HP’s motion and decides whether or not the Writ should be quashed.

16 THEREFORE, SUBJECT TO THE COURT’S APPROVAL, HP AND ACE HEREBY  
17 STIPULATE AND AGREE that an order shall be entered staying the enforcement of the Writ until  
18 after the entry of an Order by the Court granting or denying HP’s motion to quash the Writ.

19 Dated: November 18, 2008

**GAUNTLETT & ASSOCIATES**

20 By: /s/ James A. Lowe  
21 JAMES A. LOWE

22 Attorneys for Plaintiff Hewlett-Packard Company

24 Dated: November 18, 2008

**HINSHAW & CULBERTSON, LLP**

25 By: /s/ Robert J. Romero  
26 ROBERT J. ROMERO

27 Attorneys for Defendant Ace Property & Casualty  
28 Insurance Company

**ATTESTATION OF FILING**

Pursuant to General Order No. 45 § X(B), I hereby attest that I have obtained concurrence in the filing of this Stipulation and [Proposed] Order Staying Enforcement of Writ of Execution from Defendant.

By:       /s/ James A. Lowe      

**IT IS SO ORDERED.**

Dated:       November 25, 2008      

  
\_\_\_\_\_  
JAMES WARE,  
United States District Judge

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