

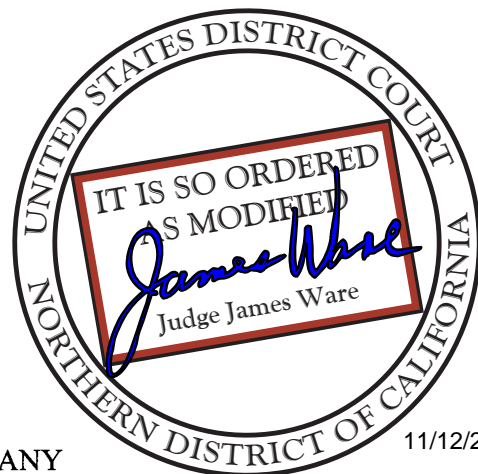
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15 Attorneys for Defendant  
 16 ACE PROPERTY AND CASUALTY INSURANCE COMPANY



11/12/2010

17  
 18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

21 HEWLETT-PACKARD COMPANY,  
 22 Plaintiff,  
 23 vs.  
 24 ACE PROPERTY AND CASUALTY  
 25 INSURANCE COMPANY,  
 26 Defendant.

) CASE NO.: C-99-20207 JW

) Hon. James Ware

) **STIPULATION AND [PROPOSED] ORDER**  
 ) **SETTING JOINT HEARING ON CROSS-**  
 ) **MOTIONS ON REIMBURSEMENT**

) [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, ACE filed a motion August 13, 2010 seeking an order that HP is required to  
6 reimburse \$11,061,717.00 ACE paid to it in October 2003.

7 WHEREAS, On August 17, 2010, the Court entered an Order [Docket No. 634] continuing the  
8 hearing of ACE's motion to December 13, 2010 at 9:00 a.m. in Courtroom "8."

9 WHEREAS, HP will file a cross motion on November 8, 2010 seeking a summary judgment  
10 that ACE is not entitled to reimbursement of the money it paid to HP in 2003.

11 WHEREAS, In the ordinary course under Civ. L.R. 7-2(a) HP's motion would be timely filed  
12 for a hearing on December 13, 2010. The Court's calendar for that date, however, is noted as being  
13 "closed."

14 WHEREAS, The parties agree that it will serve the interests of the parties and judicial economy  
15 for ACE's and HP's motions to be simultaneously heard and considered on December 13, 2010.

16 THEREFORE, SUBJECT TO THE COURT'S APPROVAL, HP AND ACE HEREBY  
17 STIPULATE AND AGREE that the Court enter an order setting HP's cross-motion for hearing at the  
18 same time as ACE's motion for reimbursement, to wit: December 13, 2010 at 9:00 A.M.

19  
20 Dated: November 5, 2010

**GAUNTLETT & ASSOCIATES**

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

23 Attorneys for Plaintiff Hewlett-Packard Company

24 Dated: November 5, 2010

**O'MELVENY & MYERS LLP**

25 By: /s/ Steven H. Bergman  
26 STEVEN H. BERGMAN

27 Attorneys for Defendant Ace Property & Casualty  
28 Insurance Company

**ATTESTATION OF FILING**

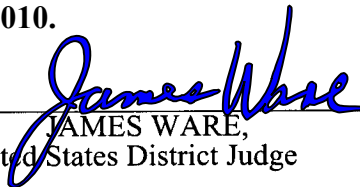
Pursuant to General Order No. 45 § X(B), I hereby attest that I have obtained concurrence in the filing of this Stipulation and [Proposed] Order setting joint hearing on cross-motions.

By:         /s/ James A. Lowe        

**PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**

- (1) Oppositions shall be filed on or before **November 22, 2010.**
- (2) Reply shall be filed on or before **November 29, 2010.**

Dated:         November 12, 2010        

  
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 JAMES WARE,  
 United States District Judge

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1 **CERTIFICATE OF SERVICE**

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3 I am a citizen of the United States and employed in San Francisco, California. I am over the  
4 age of eighteen years and not a party to the within entitled action. My business address is One Market  
5 St, Spear Tower, San Francisco, California 94105.

6 I hereby certify that on November 8, 2010, I electronically filed **Stipulation and [Proposed]**  
7 **Order Setting Joint Hearing on Cross-Motions on Reimbursement** with the Clerk of the Court  
8 using the CM/ECF system, which will send notifications to CM/ECF participants.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day  
10 of November, 2010 in San Francisco, California.

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12 By /s/ Lynda Rosenblatt  
13 Lynda Rosenblatt  
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