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MECHANICAL CO., INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADVANCED MICROTHERM, INC., et al., Plaintiff, v. NORMAN WRIGHT MECHANICAL EQUIPMENT, Defendant ) Civil Action No.: C04-02266 JW ) **STIPULATION TO WITHDRAW MOTION TO QUASH AND ~~PROPOSED~~ ORDER** ) Date: December 15, 2009 ) Time: 10:00 A.M. ) Dept.: Courtroom 5, 4<sup>th</sup> Floor ) 280 S. 1st Street, San Jose, CA 95113 ) Judge: Hon. Patricia V. Trumbull ) )

MILLER, MORTON, CAILLAT & NEVIS, LLP  
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**WHEREAS** Plaintiff ADVANCED MICRO THERM, INC. (“AMI”) has served a third-party subpoena on RAY L. HELLWIG MECHANICAL CO., INC. (“HELLWIG”) in the above matter

**WHEREAS** HELLWIG has filed a Motion to Quash the third-party subpoena of AMI with above entitled Court on the grounds that AMI failed to take reasonable steps to avoid imposing an undue burden or expense on HELLWIG when drafting the subpoena.

**WHEREAS** HELLWIG and AMI have reached an agreement to pair down the subpoena, thus avoiding the imposition of undue burden or expense on HELLWIG.

**IT IS HEREBY STIPULATED AND AGREED** that HELLWIG's Motion to Quash be withdrawn; and the hearing thereon, currently set for Tuesday, December 15, 2009, be vacated.

Dated: December 7, 2009 MILLER, MORTON, CAILLAT & NEVIS, LLP

By: /s/  
ERIC C. MCALLISTER.  
Attorneys for Non-Party RAY L. HELLWIG  
MECHANICAL CO., INC.

By: /s/  
ZANE NEGRYCH  
Attorneys for Plaintiff ADVANCED  
MICROTHERM, INC.

## IT IS SO ORDERED.

Dated: 12/8/09

Patricia V. Trumbull  
Hon. Patricia V. Trumbull