

1 Joseph M. Alioto, (SBN 42680)
 2 **ALIOTO LAW FIRM**
 3 555 California Street, Suite 3160
 4 San Francisco, CA 94104
 5 (415) 434-8900
 6 (415) 434-9200 fax

7 Russell F. Brasso, Esq. (SB No. 85417)
 8 **FOREMAN & BRASSO**
 9 930 Montgomery Street, Suite 600
 10 San Francisco, CA 94133
 11 (415) 433-3475
 12 (415) 781-8030 fax

13 Zane D. Negrych, Esq. (SB No. 171025)
 14 **LAW FIRM OF ZANE D. NEGRYCH**
 15 471 Galen Drive
 16 San Jose, California 95123
 17 Telephone: (408) 629-7595
 18 Facsimile: (408) 629-9900

19 Attorneys for Plaintiffs

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **SAN JOSE DIVISION**

23 **ADVANCED MICROTHERM, INC.;**
 24 **HVAC SALES, INC.,**
 25 Plaintiffs,

26 v.

27 **NORMAN WRIGHT MECHANICAL**
 28 **EQUIPMENT CORPORATION;**
 29 **RICHARD LEAO; TEMPCO, INC.; and**
 30 **F. W. SPENCER & SON, INC., et al**
 31 Defendants.

CASE NO. C04-02266 JW

STIPULATION TO CONTINUE HEARING
DATE FROM JUNE 1, 2009 TO JUNE 29,
2009

Time: 9:00 a.m.
Date: June 1, 2009
Dept: 8, Fourth Floor
Judge: Honorable James Ware

32 **AND RELATED CROSS-CLAIMS**

33 **STIPULATION TO**
 34 **CONTINUE HEARING**
 35 **DATE**

1 WHEREAS, Plaintiffs have requested that the June 1, 2009 Motion Hearing Date before
2 Judge Ware be continued to June 29, 2009 to accommodate Plaintiffs' counsel, Joseph M. Alioto,
3 who is presently in trial and who, as Chairman, will be conducting a fund raising for the Paralysis
4 Project of America on June 1, 2009 in Los Angeles, California.

5 WHEREAS, Defendants, through their attorneys, are willing to accommodate Mr. Alioto's
6 request to continue the June 1, 2009 Hearing Date to June 29, 2009.

7 Plaintiffs, through their attorneys, and Defendants, through their attorneys, hereby stipulate
8 that the June 1, 2009 Hearing Date can be continued to June 29, 2009 with the understanding that the
9 matters before Judge Ware are fully briefed, but Plaintiffs do not waive any arguments to the
10 contrary made in their opposition brief.

11 **IT IS SO STIPULATED:**

12 **FOREMAN & BRASSO**

13
14 Dated: 5/21/09

15 By: Russell F. Brasso
16 Russell F. Brasso, Esq.
Attorneys for Plaintiffs

17 BARTKO, ZANKEL, TARRANT & MILLER
18 Attorneys for Norman Wright Mechanical Equipment,
Inc.

19 Dated: 5/21/09

20 By: Michael Abraham
21 Michael Abraham, Esq.
Attorneys for Norman Wright Mechanical Equipment,
Inc.

22
23 McInerney & Dillon, P.C.
Attorneys for F.W. Spencer & Son, Inc.

24
25 Dated: _____

26 By: _____
Cassiana Aaronson, Esq.
Attorneys for F.W. Spencer & Son, Inc.

27 STIPULATION TO
28 CONTINUE HEARING
DATE

1 WHEREAS, Plaintiffs have requested that the June 1, 2009 Motion Hearing Date before
2 Judge Ware be continued to June 29, 2009 to accommodate Plaintiffs' counsel, Joseph M. Alioto,
3 who is presently in trial and who, as Chairman, will be conducting a fund raising for the Paralysis
4 Project of America on June 1, 2009 in Los Angeles, California.

5 WHEREAS, Defendants, through their attorneys, are willing to accommodate Mr. Alioto's
6 request to continue the June 1, 2009 Hearing Date to June 29, 2009.

7 Plaintiffs, through their attorneys, and Defendants, through their attorneys, hereby stipulate
8 that the June 1, 2009 Hearing Date can be continued to June 29, 2009 with the understanding that the
9 matters before Judge Ware are fully briefed, but Plaintiffs do not waive any arguments to the
10 contrary made in their opposition brief.

11 **IT IS SO STIPULATED:**

12
13 **FOREMAN & BRASSO**

14 Dated: 5/21/09

15 By: Russell F. Brasso
16 Russell F. Brasso, Esq.
Attorneys for Plaintiffs

17 **BARTKO, ZANKEL, TARRANT & MILLER**
18 Attorneys for Norman Wright Mechanical Equipment,
Inc.

19 Dated: _____

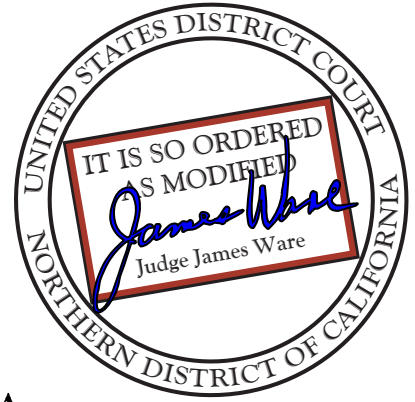
20 By: _____
21 Michael Abraham, Esq.
Attorneys for Norman Wright Mechanical Equipment,
Inc.

22
23 **McInerney & Dillon, P.C.**
Attorneys for F.W. Spencer & Son, Inc.

24
25 Dated: 5/22/09

26 By: Cassiana Aaronson
27 Cassiana Aaronson, Esq.
Attorneys for F.W. Spencer & Son, Inc.

28 **STIPULATION TO
CONTINUE HEARING
DATE**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

8 ADVANCED MICROTHERM, INC.;
9 HVAC SALES, INC.,

10 Plaintiffs,

11 v.

12 NORMAN WRIGHT MECHANICAL
13 EQUIPMENT CORPORATION;
14 RICHARD LEAO; TEMPCO, INC.; and
15 F. W. SPENCER & SON, INC., et al

16 Defendants.

17
18
19
20
21
22
23
24
25
26
27
28

AND RELATED CROSS-CLAIMS

CASE NO. C04-02266 JW

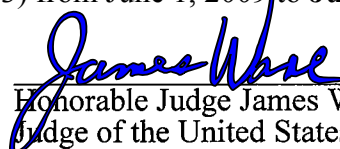
**ORDER CONTINUING THE JUNE 1, 2009
HEARING TO JUNE 15 2009 at 9:00 a.m.**

The following matters are before the Court: (1) Magistrate Judge Trumbull's Report and Recommendation Regarding Case Schedule and Scope of Trial (Docket No. 935) and (2) Defendant Norman Wright's Objections to Judge Trumbull's Report and Recommendation (Docket Item No. 943).

By its order dated May 18, 2009 (Docket Item No. 968) this Court requested oral argument on the issues raised in response to Judge Trumbull's orders and recommendation.

Due to the Court's limited availability, the requested continuance to June 29, 2009 at 9:00 cannot be accommodated. The Court continues the hearing on Defendants' Motion for Hearing To Confirm Parameters of Separate Rule 42(b) Trial (Docket Item No. 938) and Defendants' Objections to Magistrate Judge R&R (Docket Item No. 943) from June 1, 2009 to **June 15, 2009 at 9:00 AM.**

Dated: May 27, 2009


Honorable Judge James Ware,
Judge of the United States District Court