

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed 8/17/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

TYCO THERMAL CONTROLS LLC,

Plaintiff,

v.

REDWOOD INDUSTRIALS, et al.,

Defendants.

ROWE INDUSTRIES, INC.,

Counter-Claimant,

v.

TYCO THERMAL CONTROLS, LLC,

Counter-Defendant.

Case Number C 06-07164 JF (PVT)

**ORDER¹ RE TYCO'S PENDING
MOTION FOR SUMMARY
ADJUDICATION**

Re: Docket No. 72

On April 15, 2010, the Court issued an order addressing six separate motions filed by the parties to the instant action. At the same time, the Court deferred determination of a motion for summary adjudication brought by Plaintiff Tyco Thermal Controls LLC (“Tyco”) against Defendant Rowe Industries, Inc. (“Rowe”). *See* Dkt. No. 180 at 2 n. 2 (“Tyco also moves for summary adjudication of its substantive CERCLA claims against Rowe. For the reasons

¹ This disposition is not designated for publication in the official reports.

1 discussed on the record at oral argument, determination of that motion will be deferred pending
2 additional discovery and investigation of new developments at the Site.”) Good cause therefor
3 appearing, Tyco’s pending motion for summary adjudication against Rowe will be
4 administratively terminated without prejudice. When and if it concludes that the motion is ripe
5 for determination, Tyco may re-notice the motion.

6 IT IS SO ORDERED.

7 DATED: 8/17/2010

8
9 
10 JEREMY FOGEL
11 United States District Judge__
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28