

1 FOLGER LEVIN & KAHN LLP  
 Margaret R. Dollbaum (CSB No. 093725, [mdollbaum@flk.com](mailto:mdollbaum@flk.com))  
 2 Nathaniel J. Wood (CSB No. 223547, [nwood@flk.com](mailto:nwood@flk.com))  
 Embarcadero Center West  
 3 275 Battery Street, 23rd Floor  
 San Francisco, CA 94111  
 4 Telephone: (415) 986-2800  
 Facsimile: (415) 986-2827

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 6 Attorneys for Defendants, Counter-Claimants,  
 and Cross-Claimants Redwood Industrials,  
 7 Roland Lampert and Audrey Lampert

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 TYCO THERMAL CONTROLS, LLC,

13 Plaintiff,

14 v.

15 REDWOOD INDUSTRIALS, et al.,

16 Defendants.

17 AND RELATED COUNTER AND  
 18 CROSS-ACTIONS

Case No. C 06 07164 JF RS

**STIPULATION FOR JOINT DISCOVERY  
 PLAN, MEDIATION SCHEDULE,  
 EXTENSION OF PRETRIAL AND TRIAL  
 DATES, AND [PROPOSED] ORDER**

Trial Date: October 23, 2009  
 Dept.: Courtroom 3  
 Judge: Hon. Jeremy Fogel  
 ACTION FILED: November 17, 2006

19 WHEREAS mediation has been set before the court-assigned mediator, ADR Program  
 20 Staff Attorney Daniel Bowling, on Thursday, June 11, 2009, beginning at 10:00 a.m. at the  
 21 courthouse,

22 IT IS HEREBY STIPULATED THAT the parties to the above-titled action enter into this  
 23 Stipulation for a Joint Discovery Plan, Mediation Schedule, and Extension of Pretrial and Trial  
 24 Dates at the direction of the Court's ADR administrator assigned to mediate this matter,  
 25 Mr. Daniel Bowling, to facilitate phased completion of certain discovery prior to mediation of  
 26 this matter in the Court's Alternative Dispute Resolution program. The parties agree that further  
 27 discovery would aid efforts to reach a resolution of this litigation in advance of trial.

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1 **I. EXTENSION OF PRE-TRIAL DEADLINES**

2 The parties agree to extend the existing pre-trial and trial dates, subject to court approval,  
3 in accordance with the recommendation of Mr. Bowling. Accordingly, the parties agree to the  
4 following revised schedule for this case:

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Event	Existing Date	New Date
Discovery Cut-off	June 12, 2009	<b>August 31, 2009</b>
Disclosure of Expert Witnesses	July 24, 2009	<b>October 16, 2009</b>
Final Date to Hear Dispositive Motions	August 21, 2009	<b>November 6, 2009</b>
Pretrial Disclosures	September 23, 2009	<b>December 9, 2009</b>
Joint Pretrial Conference Statement Due	October 1, 2009	<b>December 16, 2009</b>
Motions in Limine Due	October 6, 2009	<b>January 15, 2010</b>
Proposed Jury Instructions, Voir Dire Questions and Jury Questionnaire Due	October 14, 2009	<b>January 20, 2010</b>
Pretrial Conference; Trial Exhibits Due	October 16, 2009	<b>January 22, 2010</b>
Trial	October 23, 2009	<b>January 29, 2010</b>

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17 **II. SCOPE OF DISCOVERY PRIOR TO MEDIATION**

18 The ADR director recommends, and the Defendants intend to pursue and complete the  
19 following additional discovery before the mediation of this matter:

20 1. Production of all documents and records in the possession, custody or control of Tyco  
21 Thermal Controls, LLC, Tyco International (PA), Inc. and Tyco Electronics and responsive to  
22 document requests and subpoenas served by defendants. Production to be completed before April  
23 1, 2009.

24 2. Depositions of custodians of records of Tyco International (PA), Inc. and Tyco  
25 Electronics in response to previously served subpoenas. Depositions to be completed by April 1,  
26 2009, or as soon thereafter as reasonably possible.

27 3. Deposition of Tyco Thermal Controls, LLC rule 30(b)(6) witnesses related to  
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1 operational history of facilities at 2201 Bay Road from 1973 to the present; specific topics to be  
2 enumerated in deposition notice(s). Deposition(s) to be completed before April 29, 2009.

3 4. Deposition of 1-3 percipient witnesses related to operational history of facilities at  
4 2201 Bay Road from 1973 to the present. Depositions to be completed before April 29, 2009.

5 5. Deposition of Paul Cook, former CEO of Raychem Corporation. Deposition to be  
6 completed between April 29 and May 7, 2009, depending upon witness availability.

7 The parties agree to undertake good-faith efforts to complete this proposed discovery in  
8 the manner proposed herein but reserve all rights to object to or seek judicial intervention to  
9 protect against any such discovery. The parties further agree that, to the extent disputes  
10 surrounding the proposed discovery cannot be resolved without court intervention, they will  
11 endeavor to undertake the mediation by the proposed date, or as soon thereafter as practicable.

12 SO STIPULATED.

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14 Dated: March 26, 2009

STANZLER, FUNDERBURK & CASTELLON LLP

15  
16 /s/ Jordan S. Stanzler

Jordan S. Stanzler

Counsel for Plaintiff

TYCO THERMAL CONTROLS, LLC

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19 Dated: March 26, 2009

FOLGER LEVIN & KAHN LLP

20  
21 /s/ Margaret R. Dollbaum

Margaret R. Dollbaum

22 Counsel for Defendants, Counter-claimants and  
23 Cross-defendants REDWOOD INDUSTRIALS,  
ROLAND LAMPERT and AUDREY LAMPERT

24 Dated: March 26, 2009

GORDON & REES LLP

25  
26 /s/ Mordecai D. Boone

Mordecai D. Boone

27 Counsel for Cross-defendant, Cross-claimant  
28 ROWE INDUSTRIES, INC.

