

**** E-filed February 25, 2010 ****

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 10 TECHNIFAB PRODUCTS, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 CRYOTECH INTERNATIONAL, INC., a)
 Delaware Corporation f/k/a VBS)
 15 INDUSTRIES INCORPORATED,)

CASE NO. C08 02921 HRL

16 Plaintiffs and)
 Counter-Defendants)

**JOINT STIPULATION AND
 REQUEST FOR ORDER
 CONTINUING HEARING ON
 PLAINTIFF’S MOTION TO EXCLUDE
 REPORT AND TESTIMONY OF
 O. EARL ELLIOTT**

17 vs.)

18 TECHNIFAB PRODUCTS, INC., an)
 19 Indiana Corporation, and DOES I-50,)
 inclusive,)

20 Defendants and)
 21 Counterclaimant)

Judge: Magistrate Howard Lloyd

22 Plaintiff filed its Motion to Exclude the Report of O. Earl Elliott and Testimony of Mr.
 23 Elliott; or in the Alternative, to Allow Plaintiff to File an Expert Report, to be heard on March
 24 30, 2010, but counsel for defendant is unavailable for hearing on that date. Due to said
 25 unavailability of defendant’s counsel on March 30, 2010, plaintiff’s and defendant’s counsel
 26 have agreed to continue the hearing of plaintiff’s Motion to Exclude to April 6, 2010, at 10:00
 27

1 a.m., in Courtroom 2 of the United States District Court, 280 South First Street, San Jose,
2 California.

3 Good cause exists for this Court to exercise its discretion to continue the hearing.

4 IT IS HEREBY STIPULATED that the hearing on plaintiff's Motion to Exclude is
5 continued to April 6, 2010, at 10:00 a.m.

6 HUNT, HASSLER & LORENZ LLP

7
8 By /s/ Mark D. Hassler
9 Mark D. Hassler
10 (appearance *pro hac vice*)

11 Dated: February 24, 2010.

12 JOHANSON BERENSON LLP

13
14 By /s/ David R. Johanson
15 David R. Johanson

16 Dated: February 24, 2010.

17 **ORDER**

18 Good cause thereby appearing, the hearing on plaintiff's Motion to Exclude the Report of
19 O. Earl Elliott, and Testimony of Mr. Elliott; or in the Alternative, to Allow Plaintiff to File an
20 Expert Report is set for April 6, 2010, at 10:00 a.m.

21 Dated: February 25, 2010.

22
23 
24 Howard R. Lloyd U.S. Magistrate Judge