

**** E-filed September 16, 2010 ****

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BITTEL TECHNOLOGY, INC.,
and Third Party defendants
DEAN COMPOGINIS and
SHANDONG BITTEL ELECTRONICS
COMPANY, LTD.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BITTEL TECHNOLOGY, INC.,
a California corporation

Plaintiff,

vs.

BITTEL USA INC.,
a California corporation

Defendant

Case No. C-10-00719 HRL

SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT
AND ~~Proposed~~ ORDER

Date: September 21, 2010
Time: 1:30 p.m.
Courtroom 2

And Related Counterclaim and Third Party
Complaint

Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they met and conferred at least 10 days prior to the case management conference scheduled in this case and jointly submit this Supplemental Case Management Statement and Proposed Order and request the Court to adopt it as a Supplemental Case Management Order in this case.

DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS

1. The following progress or changes have occurred since the last case management statement filed by the parties:

1 On August 13, 2010, after taking the matters under submission, this Court granted the motion
2 of plaintiff and counter-defendant Bittel Technology, Inc. (“Bittel Technology”) to dismiss the
3 counterclaim with leave to amend; granted the motion of third party defendant Shandong Bittel
4 Electronics Company, Ltd. (“SBE”) to dismiss the First Amended Third Party Complaint against
5 SBE for failure to adequately serve SBE with process, without prejudice and with leave to amend;
6 and denied the motion of third party defendant Dean Compoginis to dismiss the First Amended Third
7 Party Complaint. On August 27, 2010, Compoginis answered the First Amended Third Party
8 Complaint. Also on August 27, third party plaintiffs Bittel USA Inc. (“BUI”) and Lennart Thornros
9 filed a Second Amended Third Party Complaint against SBE and Compoginis, and BUI filed an
10 amended counterclaim against Bittel Technology. On September 10, 2010, Compoginis answered the
11 Second Amended Third Party Complaint and Bittel Technology answered the amended
12 Counterclaim. Since being dismissed without prejudice from this action, SBE has not been served
13 with process and is not presently a party to this action. Third Party Plaintiffs represent that they are
14 initiating the process of serving SBE as required by law.

15 On July 14, 2010, pursuant to the stipulation of the parties, this Court ordered this matter to
16 Early Neutral Evaluation with a 90 day deadline to October 12, 2010, for completion of the ENE.
17 The court has also appointed a neutral evaluator who has set a telephone scheduling conference for
18 September 17, 2010. The parties have met and conferred regarding the ENE, initial disclosures and
19 discovery. The parties agree that the ENE will be most effective if the parties make their initial
20 disclosures with respect to damages before the ENE, and postpone initial disclosures on non-damages
21 issues until three weeks after the ENE has been completed. In addition, due to the need to resolve the
22 various motions to dismiss, file and respond to amended pleadings, and make the initial disclosures
23 related to damages, the parties agree that deadline for completing the ENE should be continued for a
24 period of just over 30 days to November 12, 2010.

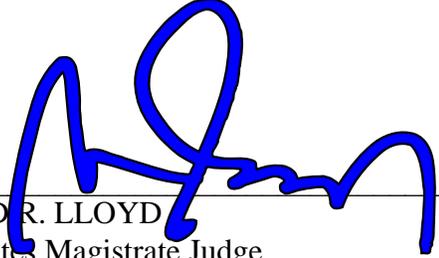
25 2. The parties jointly request the Court to make the following Supplemental Case
26 Management Order:

27 1. No later than October 6, 2010, Bittel Technology on its complaint, and BUI and Lennart
28 Thornros on the counterclaim and third party complaint, shall make all initial disclosures related to

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2 SUPPLEMENTAL CASE MANAGEMENT ORDER
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4 The Supplemental Case Management Statement and Proposed Order is hereby adopted by the
5 Court as a Supplemental Case Management Order for the case and the parties are ordered to comply
6 with this Order. ~~[In addition, the Court orders as follows.]~~
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13 Dated: September 16, 2010


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15 HOWARD R. LLOYD
16 United States Magistrate Judge
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