

1 [COUNSEL LISTED ON SIGNATURE PAGES]

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

LANSMONT CORPORATION,

Plaintiff,

v.

SPX CORPORATION, a Delaware
corporation; SPECTRIS, PLC, a private
limited company; BRÜEL & KJAER, a
corporation; and HBM, INC., a corporation,

Defendants.

Civil Action No. 5:10-cv-05860-EJD

**STIPULATION AND [PROPOSED]
ORDER CONTINUING:**

**1. DEADLINE TO COMPLETE EARLY
NEUTRAL EVALUATION PROGRAM
SESSION**

**[ADR Local Rule 5-5 and Civil Local Rule
7-12]**

The Honorable Edward J. Davila
United States District Judge
Courtroom 1, 5th Floor

1 The following stipulation requests that the deadline for the parties to complete an Early
2 Neutral Evaluation ("ENE") Program session, currently set for October 17, 2011, be continued to
3 October 27, 2011 and that all related deadlines be continued accordingly.

4 **STIPULATION**

5 Pursuant to ADR Local Rule 5-5 and Civil Local Rule 7-12, Plaintiff Lansmont
6 Corporation ("Lansmont") and Defendant SPX Corporation ("SPX"), the only parties remaining in
7 this action, stipulate and request as follows:

8 1. WHEREAS, on June 30, 2011, the Court issued an Order Referring Case to Early
9 Neutral Evaluation, (Docket No. 52) ordering that the parties attend an ENE session within 90
10 days of the Order, which deadline would expire on September 28, 2011;

11 2. WHEREAS, on July 26, 2011, the Clerk of Court issued a Notice of Appointment
12 of Evaluator, appointing John L. Cooper as the Evaluator for this case (Docket No. 56);

13 3. WHEREAS, on September 8, 2011, the parties and the Evaluator agreed upon a
14 date of October 17, 2011 at 9:00 a.m. for the ENE session, which agreement followed after their
15 August 30, 2011 ADR Local Rule 5-7 scheduling conference;

16 4. WHEREAS, on September 12, 2011 the parties filed (Docket No. 57), and on
17 September 19, 2011 the Court signed (Docket No. 58) a stipulation and order extending the
18 deadline to complete the ENE session by October 17, 2011;

19 5. WHEREAS, the ENE session scheduled for October 17 had to be moved due to
20 the unavailability of Evaluator John Cooper on that date, because of a late-arising conflict with a
21 deposition that Mr. Cooper is required to attend pursuant to Judge Alsup's appointment of Mr.
22 Cooper to represent a Rule 706 expert witness in *Oracle v. Google*; and

23 7. WHEREAS, on October 10, 2011, the parties and the Evaluator agreed upon a date
24 of October 27, 2011 at 9:00 a.m. for the ENE session;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the Court
26 continue the current October 17, 2011 deadline to hold an Early Neutral Evaluation session to
27 **October 27, 2011**, and continue all related deadlines accordingly.

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E-FILING ATTESTATION

By his signature below, and pursuant to General Order 45, counsel for Lansmont attests that counsel for all parties whose electronic signatures appear below have concurred in the filing of this Stipulation.

DATED: October 10, 2011

PEARSON, SIMON, WARSHAW & PENNY, LLP

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LANSMONT CORPORATION

DATED: October 10, 2011

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SPX CORPORATION

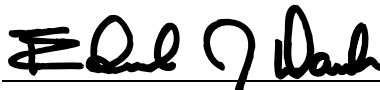
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Deadline to hold an Early Neutral Evaluation session by October 27, 2011.

Dated: October 18, 2011



The Honorable Edward J. Davila
United States District Court Judge