

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 FILE JOINT
PRELIMINARY PRETRIAL AND TRIAL
SETTING CONFERENCE STATEMENT
AND PROPOSED ORDER**

[Civil Local Rules 6-2 and 7-12]

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

834925.1

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

STIPULATION AND [PROPOSED] ORDER
CONTINUING DEADLINE TO FILE JOINT
PRELIMINARY PRETRIAL CONF. STATEMENT

1 The following stipulation requests that the deadline for the parties to complete a
2 Joint Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order, in
3 accordance with the Court's June 20, 2011 Scheduling Order (Docket No. 49) and Standing Order
4 Re: Preliminary and Final Pretrial Conferences and Trial Preparation in Civil Cases, currently set
5 for December 6, 2011, be continued to **December 9, 2011**, with the date for the Pretrial
6 Conference, December 16, 2011, to remain unchanged.

7 **STIPULATION**

8 Pursuant to Civil Local RuleS 6-2 and 7-12, Plaintiff Lansmont Corporation
9 ("Lansmont") and Defendant SPX Corporation ("SPX"), the only parties remaining in this action,
10 stipulate and request as follows:

11 1. WHEREAS, on June 20, 2011, the Court issued a Scheduling Order, setting
12 December 16, 2011 as the date for a Preliminary Pretrial Conference;

13 2. WHEREAS, the Court's Standing Order Re Preliminary and Final Pretrial
14 Conferences and Trial Preparation in Civil cases mandates that a Joint Preliminary Pretrial and
15 Trial Setting Conference Statement and Proposed Order be filed ten days prior to the Preliminary
16 Pretrial Conference;

17 3. WHEREAS, on June 30, 2011, the Court issued an Order Referring Case to
18 Early Neutral Evaluation ("ENE"), (Docket No. 52) ordering that the session be held within 90
19 days of the Order, which deadline would expire on September 28, 2011;

20 4. WHEREAS, on October 18, 2011, the Court issued an Order Continuing
21 Deadline To Complete Early Neutral Evaluation Program Session (Docket No. 60), continuing the
22 deadline to hold the ENE session to October 27, 2011, and continuing all related deadlines
23 accordingly;

24 5. WHEREAS, on October 27, 2011, the parties attended an ENE session, and
25 agreed, in principle, upon a roadmap to settlement of this action;

26 6. WHEREAS, on December 6, 2011, the parties reached an impasse in
27 settlement negotiations, and it was determined that further negotiations would be futile;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED that the
2 Court continue the current December 6, 2011 deadline to file a Joint Preliminary Pretrial and Trial
3 Setting Conference Statement and Proposed Order to **December 9, 2011**, with no change to the
4 date of the Preliminary Pretrial Conference, scheduled for December 16, 2011 at 11:00 a.m.

5 **E-FILING ATTESTATION**

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

9
10 Dated: December 6, 2011

SHEPPARD MULLIN RICHTER & HAMPTON
LLP

11
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22 SPX CORPORATION

23
24 Dated: December 6, 2011

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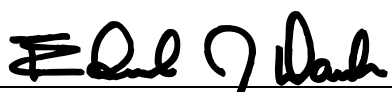
Attorneys for Plaintiff
LANSMONT CORPORATION

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 7, 2011



The Honorable Edward J. Davila
United States District Court Judge