

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ORACLE AMERICA, INC.,	)	Case No.: 11-CV-01043-LHK
	)	
Plaintiff,	)	ORDER DENYING MOTION TO
v.	)	EXPEDITE HEARING DATE; AND
	)	SETTING BRIEFING SCHEDULE
INNOVATIVE TECHNOLOGY	)	REGARDING PENDING MOTIONS
DISTRIBUTORS, LLC,	)	
	)	
Defendant.	)	
	)	

On April 6, 2011, Defendant Innovative Technology Distributors, LLC (“ITD”) moved to stay, dismiss, or transfer this action to the District of New Jersey on the basis of a “first-filed” action in New Jersey. *See* Dkt. #36. That motion is noticed for a hearing on July 21, 2011.

On April 8, 2011, Plaintiff Oracle America, Inc. (“Oracle”) filed a motion to disqualify attorney Vicky Dal Molin and to disqualify ITD’s outside counsel Lowenstein Sandler PC (“Lowenstein”). *See* Dkt. #38. According to Oracle, Vicky Dal Molin is ITD’s General Counsel, and formerly an in-house attorney with Sun Microsystems, Inc (“Sun”) for nine years. In January 2010, Oracle acquired Sun. Oracle argues that Lowenstein must be disqualified as outside counsel because it “partnered with Ms. Dal Molin to represent ITD against Oracle knowing full well of her

1 prior attorney-client relationship with Sun and making no effort to avoid receiving Oracle's  
2 confidential information possessed by Ms. Dal Molin." *Id.* at 2.

3 Oracle's motion to disqualify is also noticed for a hearing on July 21, 2011, but Oracle has  
4 filed a motion for administrative relief to advance the hearing date to June 16, 2011. Oracle's  
5 motion to expedite the hearing date is DENIED. However, the Court finds an expedited briefing  
6 schedule appropriate for both motions.

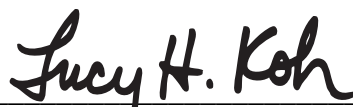
7 Accordingly, with respect to ITD's motion to stay, dismiss, or transfer [dkt. #33], Oracle's  
8 opposition is due by Wednesday, May 4, 2011, and ITD's reply is due by Wednesday, May 11,  
9 2011.

10 With respect to Oracle's motion to disqualify certain counsel [dkt. #38], ITD's opposition is  
11 due by Wednesday, May 4, 2011, and Oracle's reply is due by Wednesday, May 11, 2011.

12 If the Court determines that either or both of these motions are suitable for determination  
13 without oral argument pursuant to Civil Local Rule 7-1(b), the Court will vacate the July 21, 2011  
14 motion hearing date and issue an Order or Orders on the papers.

15 **IT IS SO ORDERED.**

16  
17 Dated: April 18, 2011



18 \_\_\_\_\_  
19 LUCY H. KOH  
20 United States District Judge