

1 MELODY A. KRAMER, SBN 169984  
 2 KRAMER LAW OFFICE, INC.  
 3 9930 Mesa Rim Road, Suite 1600  
 4 San Diego, California 92121  
 Telephone (858) 362-3150

5 J. MICHAEL KALER, SBN 158296  
 6 KALER LAW OFFICES  
 7 9930 Mesa Rim Road, Suite 200  
 8 San Diego, California 92121  
 Telephone (858) 362-3151

9 Attorneys for Plaintiff JENS ERIK SORENSEN,  
 10 as Trustee of SORENSEN RESEARCH AND  
 DEVELOPMENT TRUST

11  
 12  
 13 UNITED STATES DISTRICT COURT  
 14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 JENS ERIK SORENSEN, as Trustee of ) Case No. 07cv02277 BTM CAB  
 16 SORENSEN RESEARCH AND )  
 17 DEVELOPMENT TRUST, ) ORDER REGARDING PLAINTIFF'S  
 ) MOTION FOR EXCEPTION TO STAY  
 18 Plaintiff, )  
 19 v. )  
 )  
 20 ESSEPLAST (USA) NC, INC., a )  
 21 Delaware corporation, and DOES 1-100, )  
 )  
 22 Defendants. )  
 23 )  
 24 \_\_\_\_\_ )  
 and related counterclaims. )

25  
 26 //  
 27 //

28

1 Plaintiff JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH  
2 AND DEVELOPMENT TRUST (“Plaintiff”) has moved this Court at Docket # 35  
3 for an exception to the stay of proceedings in this case for the purposes of limited  
4 discovery.

5 The Court, having considered briefing by the parties and oral arguments on  
6 August 20, 2008, **grants in part** and **denies in part** Plaintiff’s motion for exception  
7 to the stay as set forth below.

8 1. All prototype and production molds used in the production of the  
9 accused products within the custody and control of the Defendant(s) are to be  
10 preserved.

11  
12 2. All design and technical documents for the accused product within the  
13 control and custody of the Defendant(s) are to be preserved.

14  
15 3. Plaintiff is granted leave to propound one (1) interrogatory on the  
16 Defendant(s) that asks for the identification of the company names and addresses of  
17 nonparty manufacturers, suppliers, and importers who have prototype, production,  
18 design, technical documents or evidence regarding the accused products.

19  
20 4. Plaintiff is granted leave to file an Amended Complaint adding accused  
21 products within 30 days of this Order. Defendant must respond to said the Amended  
22 Complaint within 45 days after the stay is lifted.

23  
24  
25  
26 //

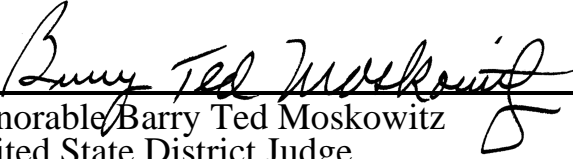
27 //

28

1           The Court **denies without prejudice** Plaintiff's request for leave of court to  
2 use appropriate procedural discovery steps to acquire prototype, production, design,  
3 technical documents or evidence regarding the accused products from nonparties at  
4 this time; any subsequent requests will be reviewed on a case-by-case basis.

5 IT IS SO ORDERED.

6 DATED this 2nd day of September, 2008.  
7

8  
9   
10 \_\_\_\_\_  
11 Honorable Barry Ted Moskowitz  
12 United State District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28