

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

SCHONBEK WORLDWIDE LIGHTING INC.,)
)
Plaintiff,)
-vs-)
)
LOWE’S HOME CENTERS, INC., BEL AIR)
LIGHTING, INC., TRANS GLOBE LIGHTING,)
INC., TRANS GLOBE IMPORTS, AND JOHN)
DOE CHINESE MANUFACTURER(S))
1-100, FICTITIOUS NAME(S) FOR)
BUSINESS ENTITIES UNKNOWN,)
)
Defendants.)

Civil Action No.: 8:10-CV-1377
(GTS/DEP)

Civil Action No. 8:11-cv-251 (GTS/DEP)

**~~PROPOSED~~ STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FED.R.CIV.P. RULE 42(a) AND TO WITHDRAW
PLAINTIFF’S PENDING MOTION TO ENJOIN**

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel for Plaintiff Schonbek Worldwide Lighting, Inc. (“Schonbek”) and Defendants Bel Air Lighting Inc. (“Bel Air”), Trans Globe Lighting Inc. and Trans Globe Imports, that:

WHEREAS, Schonbek filed a complaint against Lowe’s Home Centers, Inc. and Lowe’s Companies, Inc. on November 12, 2010, alleging among other claims, three counts of copyright infringement in the United States District Court for the Northern District of New York (Civil Action No. 8:10-CV-1377 GTS/DEP), and later filed an amended complaint to add Defendants Bel Air Lighting Inc. (“Bel Air”), Trans Globe Lighting Inc. and Trans Globe Imports and four counts of patent infringement (hereinafter, the “NDNY Action”) (Dkt Nos. 1, 25);

WHEREAS, on December 30, 2010, Bel Air filed a declaratory judgment action in the United States District Court for the Central District of California against Schonbek (Civil Action No. 2:10-cv-10069-MMM –PJW) seeking declaratory judgment of non-infringement and invalidity of the three copyrights at issue in this case and later filed an amended complaint to include the four patents at issue (hereinafter, the “California Action”);

WHEREAS, on January 31, 2011, Schonbek filed a motion asking this Court to enjoin prosecution of the California Action under the first-to-file rule (Dkt No. 27);

WHEREAS, Schonbek's motion for enjoinder of the California Action has a motion hearing date of March 31, 2011, and Defendants' response to Schonbek's motion for enjoinder of the California Action, due March 14, 2011, is yet to be filed;

WHEREAS, pursuant to a stipulation signed by the parties on March 2, 2011 and Court order entered March 4, 2011, the California Action has been transferred to the Northern District of New York for all further proceedings, captioned as Civil Action No. 8:11-cv-251(GTS/DEP).

NOW, THEREFORE, it is hereby stipulated and agreed by the parties, acting through their undersigned counsel, and ORDERED:

In the interest of judicial economy and to avoid unnecessary cost and delay, the related cases now pending before this Court, Civil Action No. 8:11-cv-251(GTS/DEP) and Civil Action No. 8:10-CV-1377 (GTS/DEP), are hereby consolidated pursuant to Rule Fed.R.Civ.P. 42(a);

The parties shall not prosecute an action in other jurisdictions, including without limitation California, on the same facts or causes of action raised in Civil Action No. 8:11-cv-251(GTS/DEP) or Civil Action No. 8:10-CV-1377 (GTS/DEP), and therefore,

The motion of Plaintiff Schonbek Worldwide Lighting, Inc. to enjoin Defendants' second-filed action (Dkt No. 27) is withdrawn, without prejudice.

Dated: March 14, 2011

/s/ Alana M. Fuiere
Susan E. Farley, Esq.
Alana M. Fuiere, Esq.
Shanna K. O'Brien
HESLIN ROTHENBERG FARLEY & MESITI P.C.
Attorneys for Plaintiff
5 Columbia Circle
Albany, New York 12203
Phone: 518-452-5600
Facsimile: 518-452-5579

Dated: March 14, 2011

/s/ Louis S. Mastriani
Louis S. Mastriani, Esq.
Thomas R. Burns, Jr., Esq.
ADDUCI, MASTRIANI & SCHAUMBERG, LLC
1200 Seventeenth Street, N.W.
Washington, D.C. 20036
Telephone: (202) 467-6300
Facsimile: (202) 466-2006
Attorneys for Defendants Bel Air/Trans Globe

Dated: March 14, 2011

/s/ Ashley D. Hayes
Ashley D. Hayes, Esq.
HANCOCK ESTABROOK, LLP
1500 AXA Tower 1
100 Madison Street
Syracuse, New York 13202
Attorneys for Defendants Bel Air/Trans Globe

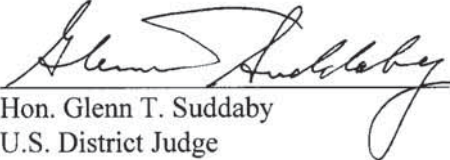
The parties are directed to file all future documents in civil action number 8:10-cv-1377.

No further documents should be filed in civil action number 8:11-cv-251.

IT IS SO ORDERED

Dated: March 16, 2011

Syracuse, NY


Hon. Glenn T. Suddaby
U.S. District Judge