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8 Attorneys for Plaintiff  
 9 GENERAL ELECTRIC CAPITAL  
 CORPORATION, a Delaware corporation

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 GENERAL ELECTRIC CAPITAL  
 CORPORATION, a Delaware corporation,

13 Plaintiff,

14 v.

15 MASTER KRAFT MACHINING INC., a  
 California corporation, and KURT T.  
 16 MATSUDA, a citizen and resident of California,

17 Defendants.

Case No. C09-02854

**STIPULATION AND [PROPOSED]  
 ORDER ISSUING WRIT OF POSSESSION**

Date: August 7, 2009  
 Time: 9:00 a.m.  
 Location: United States District Court  
 Dept. 10  
 450 Golden Gate Avenue  
 19th Floor  
 San Francisco, CA  
 Judge: Honorable Susan Illston

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

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 20 **STIPULATION**

21  
 22 WHEREAS Plaintiff General Electric Capital Corporation ("Plaintiff" or "GE Capital") is  
 23 the rightful owner of the manufacturing equipment leased to Defendant (the "Leased  
 24 Equipment");

25  
 26 WHEREAS Plaintiff is entitled to immediate possession of the Leased Equipment;

27  
 28 WHEREAS Defendant Master Kraft Machining, Inc. ("Master Kraft") has affirmatively

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1 agreed to surrender the Leased Equipment;

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3 WHEREAS to date, Master Kraft has not returned the Leased Equipment to Plaintiff;

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5 WHEREAS Master Kraft has no interest in the Leased Equipment; and

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7 WHEREAS Master Kraft agrees to waive any undertaking requirement associated with  
8 the issuance of a Writ of Possession

9

10 IT IS HEREBY STIPULATED AND AGREED BETWEEN THE PARTIES THAT this  
11 Court enter the attached Order issuing a Writ of Possession whereby Plaintiff may take immediate  
12 possession of the Leased Equipment.

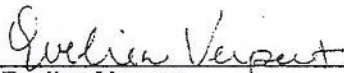
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15 Dated: August 5, 2009.

REED SMITH LLP

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By   
Evelien Verpeet  
Attorneys for Plaintiff  
GENERAL ELECTRICAL CAPITAL  
CORPORATION

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20 Dated: August 5, 2009.

CAMPEAL GOODSSELL SMITH, L.C.

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By   
William J. Healy  
Attorney for Defendant  
MASTER KRAFT MACHINING, INC.

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1           2.     The property to be seized is: (1) one Matsuura MAM 500 CNC Horizontal  
2 Machining Center with Yasnac 180, 8,000 RPM Spindle, 1 Degree Indexing, 60 Position ATC, Chip  
3 Conveyor, 11 Pallets with Change System and Work Station, Hi Pressure Thru Spindle Coolant, 800  
4 PSI 320 Meters Memory, together with all replacements, parts, repairs, additions, accessions and  
5 accessories incorporated therein or affixed or attached thereto and any and all proceeds of the  
6 foregoing, including, without limitation, insurance recoveries; and (2) one Mori Seiki Precision  
7 Horizontal Production Center Equipped with tool Breakage Detection System, AICC II Fast Data  
8 Server, 6 Pallet Carrier Pallet Pool, Coolant Gun at Setup Station, Cooljet 70/36DVF 1000 PSI High  
9 Pressure Coolant System, Tooling and all standard and any additional parts, attachments and  
10 accessories;

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12           3.     The clerk is directed to issue the writ of possession immediately;

13  
14           4.     The clerk of this court is directed to attach a copy of this order to the writ of  
15 possession;

16  
17           5.     The sheriff or marshal may enter the following private place to take possession of the  
18 property or some part of it:

19  
20                   Master Kraft Machining, Inc.  
21                   350 Corporate Way  
22                   Fremont, California 94539  
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24           6.     Defendant is ordered to transfer possession of the property described in paragraph 4  
25 to Plaintiff.

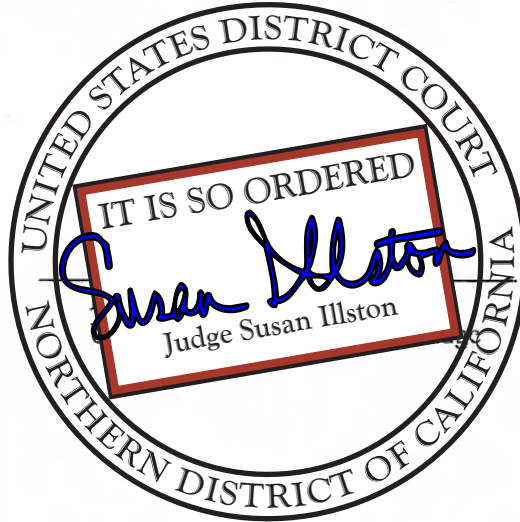
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IT IS SO ORDERED.

Dated: August 6, 2009.



<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Evelien Verpeet (SBN 241520)</b>  <b>REED SMITH LLP</b>  <b>1999 Harrison Street</b>  <b>Suite 2400</b>  <b>Oakland, CA 94612</b>          TELEPHONE NO. <b>510.763.2000</b> FAX NO. (Optional): <b>510.273.8832</b>          E-MAIL ADDRESS (Optional): <b>everpeet@reedsmith.com</b>          ATTORNEY FOR (Name): <b>General Electric Capital Corporation</b></p>	<p>FOR COURT USE ONLY</p> <p>CASE NUMBER:</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF          STREET ADDRESS: <b>450 Golden Gate Avenue</b>          MAILING ADDRESS:          CITY AND ZIP CODE: <b>San Francisco, CA 94102</b>          BRANCH NAME: <b>Northern District of California</b></p>	
<p>PLAINTIFF: <b>General Electric Capital Corporation</b>           DEFENDANT: <b>Master Kraft Machining, Inc.</b></p>	
<p><b>WRIT OF POSSESSION</b>      <input checked="" type="checkbox"/> <b>AFTER HEARING</b>      <input type="checkbox"/> <b>EX PARTE</b></p>	

TO THE SHERIFF OR ANY MARSHAL OF THE COUNTY OF **Alameda**

YOU ARE DIRECTED:

- To levy upon and retain in your custody, until released or sold (Code Civ. Proc., § 514.030), the following property or any part of it (specify): **See Attachment A.**
- To enter the following private place or places to take possession of the above-described property or some part of it (specify exact locations): **Master Kraft Machining, Inc., 850 Corporate Way, Fremont, California 94539**
- To return this writ and the certificate of your proceedings within 30 days after levy and service, but in no event later than 60 days after issuance of this writ.

Dated: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

<p>(SEAL)</p>	<p><b>NOTICE TO DEFENDANT:</b> The plaintiff has filed with the court a written undertaking, a copy of which is attached. You have the right to object to the plaintiff's undertaking on a ground specified in Code of Civil Procedure section 995.920 and in the manner provided in Code of Civil Procedure section 515.030 or to obtain redelivery of the property by filing a written undertaking of your own, in an amount equal to the plaintiff's undertaking or as determined by the court under Code of Civil Procedure sections 515.010 and 515.020. You also have other rights under Code of Civil Procedure sections 512.020-512.120.</p> <p>If your property has been taken under an ex parte writ of possession, you may apply under Code of Civil Procedure section 512.020(b) for an order that the writ be quashed, any property levied on be released, and for other relief as provided in that section, including an award of damages for any loss sustained by you as a proximate result of the levy.</p>
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**ATTACHMENT A  
TO GENERAL ELECTRIC'S WRIT OF POSSESSION**

Manufacturing Equipment No. 1:

One (1) Matsuura MAM 500 CNC Horizontal Machining Center with Yasnac 180, 8,000 RPM Spindle, 1 Degree Indexing, 60 Position ATC, Chip Conveyor, 11 Pallets with Change System and Work Station, Hi Pressure Thru Spindle Coolant, 800 PSI 320 Meters Memory, together with all replacements, parts, repairs, additions, accessions and accessories incorporated therein or affixed or attached thereto and any and all proceeds of the foregoing, including, without limitation, insurance recoveries.

Manufacturing Equipment No. 2:

One (1) Mori Seiki Precision Horizontal Production Center Equipped with tool Breakage Detection System, AICC II Fast Data Server, 6 Pallet Carrier Pallet Pool, Coolant Gun at Setup Station, Cooljet 70/36DVF 1000 PSI High Pressure Coolant System, Tooling and all standard and any additional parts, attachments and accessories.