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 11 GLOBAL AMPERSAND, LLC and Third-Party
 Defendant D.E. SHAW SYNOPTIC PORTFOLIOS 3 LLC

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16 Attorneys for Defendant CROWN ENGINEERING
 AND CONSTRUCTION, INC.

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CAPTION CONTINUED

1 WHEREAS, the Court reserved ruling on the fifth cause of action for enforcement of stop
2 notice and requested supplemental briefing from Global Ampersand, LLC and D.E. Shaw
3 Synoptic Portfolios 3, LLC, to be filed by September 15, 2009;

4 WHEREAS, subsequent to the hearing on the subject motion the parties conferred and
5 Crown Engineering and Construction, Inc. has agreed to stipulate to the granting of the motion by
6 Global Ampersand, LLC and D.E. Shaw Synoptic Portfolios 3, LLC, for partial summary
7 judgment on the fifth cause of its counterclaim, namely, its Claim of Enforcement of Stop Notice,
8 on the conditions set forth below;

9 NOW, THEREFORE, the parties stipulate and agree as follows, and that the court may
10 issue an order in the form which follows:

11 1. This court may enter judgment in favor of moving parties Global Ampersand LLC
12 and D.E. Shaw Synoptic Portfolios 3, LLC and against Crown Engineering and Construction,
13 Inc., on the fifth cause of its counterclaim (Claim of Enforcement of Stop Notice); and

14 2. Each of the parties agree to waive costs as to the subject motion only.
15

16 **IT IS SO STIPULATED:**

17 Dated: September 11, 2009.

KIMBLE, MacMICHAEL & UPTON
A Professional Corporation

/s/ Amanda G. Hebesha

By: _____

AMANDA G. HEBESHA
Attorneys for Plaintiff and Counter
Defendant GLOBAL AMPERSAND LLC
and Third Party Defendant D. E. SHAW
SYNOPTIC PORTFOLIOS 3, LLC

1 Dated: September 11, 2009.

LAW FIRM OF MICHAEL A. PETERS, APC

2 */s/ Michael A. Peters*

3 By: _____

4 MICHAEL A. PETERS
5 Attorneys for Defendant and
6 Counter Claimant
7 CROWN ENGINEERING AND
8 CONSTRUCTION, INC.

9 **ORDER**

10 IT IS ORDERED that the motion for partial summary judgment be and hereby is granted
11 based upon Federal Rule of Civil Procedure 56 upon the grounds that the fourth and fifth causes
12 of action have no merit, there are no triable issues of material facts, and Global Ampersand, LLC
13 and D.E. Shaw Synoptic Portfolios 3, LLC, are entitled to judgment as a matter of law on those
14 causes of action.

15 IT IS ORDERED that as a result of the Stipulation between the parties set forth above, the
16 Court's request for supplemental briefing by Global Ampersand, LLC and D.E. Shaw Synoptic
17 Portfolios 3, LLC, is no longer necessary.

18 IT IS ORDERED that each party will bear their own costs regarding the subject motion.

19 Dated: September 17, 2009.

/s/ OLIVER W. WANGER

20 Oliver W. Wanger
21 Judge of the United States District Court
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