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12 Attorneys for MULTIMATIC CORPORATION,
 13 now known as THE KIRRBURG CORPORATION,
 14 MULTIMATIC LLC, and THE KIRRBURG CORPORATION,
 15 formerly known as MULTIMATIC CORPORATION

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

18 TEAM ENTERPRISES, LLC,
 19
 20 Plaintiff,
 21
 22 v.
 23 WESTERN INVESTMENT REAL
 24 ESTATE TRUST, et al.,
 25
 26 Defendants.

1:08-cv-00872-LJO-SMS
 Hon. Lawrence J. O’Neill

**STIPULATION BETWEEN
 MULTIMATIC CORPORATION,
 MULTIMATIC LLC, AND THE
 KIRRBURG CORPORATION AND
 PLAINTIFF REGARDING
 PLAINTIFF’S THIRD AMENDED
 COMPLAINT**

27 TEAM ENTERPRISES INC.,
 28
 Plaintiff,
 v.
 LEGACY VULCAN CORP., et al.,
 Defendants.

AND RELATED ACTIONS.

1 MULTIMATIC CORPORATION, now known as THE KIRRBURG
2 CORPORATION, MULTIMATIC LLC, and THE KIRRBURG CORPORATION,
3 formerly known as MULTIMATIC CORPORATION (collectively “Defendants”),
4 together with Plaintiff TEAM ENTERPRISES, LLC (“Plaintiff”) hereby stipulate
5 that, as Plaintiff’s Third Amended Complaint does not vary substantively from
6 Plaintiff’s Second Amended Complaint with respect to Defendants, Defendants’
7 Answer to Plaintiff’s Second Amended Complaint shall be deemed responsive to
8 Plaintiff’s Third Amended Complaint.

9
10 **IT IS SO STIPULATED.**

11
12 DATED: October 15, 2009

DONGELL LAWRENCE FINNEY LLP

13
14 By: /s/ Ian P. Culver

15 Ian P. Culver
16 Attorneys for MULTIMATIC
17 CORPORATION, now known as THE
18 KIRRBURG CORPORATION,
MULTIMATIC LLC, and THE KIRRBURG
CORPORATION, formerly known as
MULTIMATIC CORPORATION

19 DATED: October 15, 2009

GREBEN & ASSOCIATES

20
21 By: /s/ Christian Blasbichler

22 Christian Blasbichler
23 Attorneys for Plaintiff

24 **IT IS SO ORDERED.**

25
26 DATED: October 19, 2009

/s/ LAWRENCE J. O’NEILL

27 United States District Judge
28