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7 LYNN ANDERSON

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12 Attorneys for Defendants  
13 STRAUSS NEIBAUER & ANDERSON  
APC PROFIT SHARING 401(K) PLAN,  
14 DOUGLAS L. NEIBAUER, and Defendant and Plaintiff  
STRAUSS NEIBAUER, A PROFESSIONAL CORPORATION  
15 aka STRAUSS NEIBAUER, A LAW CORPORATION

16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**  
18 **(FRESNO DIVISION)**

19  
20 THOMAS L. ANDERSON, ) Case No. 09-cv-01446-OWW  
21 Plaintiff, ) **STIPULATION AND ORDER FOR ENTRY**  
22 v. ) **OF JUDGMENT**  
23 STRAUSS NEIBAUER & ANDERSON )  
24 APC PROFIT SHARING 401(K) PLAN; )  
25 DOUGLAS L. NEIBAUER, as an )  
individual and as a fiduciary of the )  
26 Strauss Neibauer & Anderson APC )  
Profit Sharing 401(k) Plan; STRAUSS )  
27 NEIBAUER, A PROFESSIONAL )  
CORPORATION, a fiduciary/plan )  
28 sponsor of the Strauss Neibauer & )  
Anderson APC Profit Sharing 401(k) )  
Plan; TOTAL BENEFIT SERVICES, )  
INC., a California corporation, a )

1 fiduciary of the Strauss Neibauer &  
2 Anderson APC Profit Sharing 401(k)  
Plan;

3 Defendants.

4 STRAUSS NEIBAUER, a Law  
5 Corporation,

6 Plaintiff,

7 v.

8 THOMAS L. ANDERSON and LYNN  
9 ANDERSON, individually and as  
husband and wife, and DOES 1-25,  
10 inclusive,

11 Defendants.

Case No.: 10-cv-02195-OWW

13 This Stipulation and Order for Entry of Judgment (“Stipulation”) is made and  
14 entered into by the following parties herein: THOMAS L. ANDERSON, LYNN  
15 ANDERSON, STRAUSS NEIBAUER & ANDERSON APC PROFIT SHARING 401(K)  
16 PLAN, DOUGLAS L. NEIBAUER, and STRAUSS NEIBAUER, A PROFESSIONAL  
17 CORPORATION aka STRAUSS NEIBAUER, A LAW CORPORATION. By and through  
18 their respective attorneys of record, and on their own behalves all of these Parties  
19 hereby stipulate:

20 1. That the above-captioned cases (“related cases”) have been settled in full  
21 on the record at the judicial settlement conference held before Magistrate Judge Beck  
22 on January 5, 2011;

23 2. That the Parties have entered into a final settlement agreement resolving  
24 all of the federal law claims in the related cases;

25 3. That pursuant to the settlement of the related cases as reflected in the  
26 settlement on record and the executed settlement agreement, Defendants Douglas  
27 Neibauer , individually and as trustee of the Strauss Neibauer & Anderson APC Profit  
28 Sharing 401(k) Plan, and Strauss Neibauer, a Professional Corporation aka Strauss

1 Neibauer, a Law Corporation, hereby stipulate and agree that judgment for attorneys  
2 fees and costs incurred by Thomas L. Anderson in prosecuting and defending the within  
3 actions under ERISA (29 U.S. C. Sections 1001 et seq.), in the amount of \$130,000.00  
4 (one hundred thirty thousand dollars), shall be entered herein immediately against them;

5 4. The parties hereto stipulate that Thomas L. Anderson shall delay  
6 execution and/or recordation of such judgment until September 30, 2011, so long as  
7 defendants named in paragraph 3 above pay to him the sum of \$20,000.00 against that  
8 judgment by April 7, 2011. If defendants do not timely make such \$20,000.00 payment,  
9 Thomas L. Anderson shall be free to undertake any and all enforcement proceedings  
10 with respect to the entire judgment as he deems appropriate, including execution or  
11 recordation thereof.

12  
13 DATED: February 4, 2011

GREEN & HUMBERT

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By: /s/ C. Mark Humbert  
C. Mark Humbert  
Horace W. Green

Attorneys for Plaintiff and Defendant  
Thomas L. Anderson and Defendant  
Lynn Anderson

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18  
19 DATED: February 3, 2011

STRAUSS NEIBAUER

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By: /s/ Douglas L. Neibauer  
Douglas L. Neibauer

Attorneys for Defendants  
STRAUSS NEIBAUER & ANDERSON  
APC PROFIT SHARING 401(K) PLAN,  
DOUGLAS L. NEIBAUER, and Defendant  
and Plaintiff STRAUSS NEIBAUER, A  
PROFESSIONAL CORPORATION  
aka STRAUSS NEIBAUER, A LAW  
CORPORATION

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**ORDER**

IT IS SO ORDERED. Judgment is to be entered in conformance herewith; jurisdiction is expressly reserved in this court to enforce the terms of the settlement.

IT IS SO ORDERED.

Dated: February 4, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE