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10 Attorneys for Defendants and Crossclaim
 11 Defendants KAMEHAMEHA
 SCHOOLS/BERNICE PAUAHI BISHOP
 12 ESTATE; J. DOUGLAS ING, NAINOA
 THOMPSON, DIANE J. PLOTTS, ROBERT
 13 K.U. KIHUNE, and CORBETT A.K. KALAMA,
 in their capacities as Trustees of the Kamehameha
 14 Schools/Bernice Pauahi Bishop Estate

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

17 ERIC GRANT,	No. 08-00672 FCD-KJM STIPULATION AND ORDER REGARDING NONDISCLOSURE
18 Plaintiff,	
19 v.	
20 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP	
21 ESTATE; J. DOUGLAS ING, NAINOA THOMPSON, DIANE	
22 J. PLOTTS, ROBERT K.U. KIHUNE, and CORBETT A.K.	
23 KALAMA, in their capacities as Trustees of the Kamehameha	
24 Schools/Bernice Pauahi Bishop Estate; JOHN DOE; and JANE	
25 DOE,	
26 Defendants.	
27 JOHN DOE and JANE DOE,	
28 Cross and Counter-Claimants,	
29 v.	
30 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP	
31 ESTATE; J. DOUGLAS ING, NAINOA THOMPSON, DIANE	
32 J. PLOTTS, ROBERT K.U. KIHUNE, and CORBETT A.K.	
33 KALAMA, in their capacities as Trustees of the Kamehameha	
34 Schools/ Bernice Pauahi Bishop Estate; and ERIC GRANT,	
35 Crossclaim Defendants.	

1 James Banks, counsel for Plaintiff/Counter-Claim Defendant Eric Grant; Jerry
2 Stein, counsel for Defendant/Counter- and Cross-Claimants John and Jane Doe (together, “the
3 Does”); and Paul Alston, Charlene S. Shimada and Robert A. Brundage, counsel for Defendants
4 and Crossclaim Defendants Kamehameha Schools/Bernice Pauahi Bishop Estate and J. Douglas
5 Ing, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and Corbett A.K. Kalama, in their
6 capacities as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate (collectively,
7 “Kamehameha Schools”) came before the Court for hearing on April 17, 2008.

8 After discussion, the Parties agreed as follows:

9 1. Pending further order of the Court, Kamehameha Schools will not, directly or
10 indirectly, disclose the identities of one or both of the Does. Provided, however, that nothing
11 herein will limit Kamehameha Schools’ rights to seek this Court’s approval for any disclosure
12 authorized under the May 2007 Settlement Agreement.

13 2. Kamehameha Schools may move for an order permitting disclosure upon
14 notice briefing and hearing. Kamehameha Schools will not seek to have any hearing on such a
15 motion held on shortened notice unless the disclosure is a compulsory disclosure (*i.e.*, for
16 regulatory reasons, in response to a subpoena, or other court order) and circumstances beyond
17 Kamehameha Schools’ ability to control prevent approval on a noticed motion set in the ordinary
18 course without shortening time. Kamehameha Schools will give counsel for the Does and Grant
19 immediate written notice of any circumstance which might necessitate such shortened notice.

20 3. All of Kamehameha Schools’ objections to personal and subject matter
21 jurisdiction are preserved and this stipulation shall not prejudice Kamehameha Schools in any
22 way with respect thereto. Kamehameha Schools’ right to object to venue and seek a transfer of
23 venue of this case pursuant to 28 U.S.C. § 1404 et seq. is similarly preserved intact.

24 4. Counsel for Kamehameha Schools, without waiving any of the rights and
25 objections retained in the preceding paragraph, will forthwith waive service of Grant's complaint
26 pursuant to Federal Rule of Civil Procedure 4(d). Kamehameha Schools shall answer, move or
27 otherwise respond to both the complaint and the Does’ crossclaim on or before June 9, 2008,
28 unless the parties hereafter agree otherwise.

1 5. Nothing herein shall be interpreted or applied to prejudice any party's
2 substantive or procedural claims, rights, or defenses in any way.

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4 DATED: April 23, 2008 Bingham McCutchen LLP

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6 By: /s/ Charlene S. Shimada
7 Charlene S. Shimada
8 Attorneys for Defendants and Crossclaim Defendants
9 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI
10 BISHOP ESTATE; J. DOUGLAS ING, NAINOA
11 THOMPSON, DIANE J. PLOTTS, ROBERT K.U.
12 KIHUNE, and CORBETT A.K. KALAMA, in their
13 capacities as Trustees of the Kamehameha Schools/Bernice
14 Pauahi Bishop Estate

15 DATED: April 23, 2008 Alston Hunt Floyd & Ing

16
17 By: /s/ Paul Alston
18 Paul Alston
19 Attorneys for Defendants and Crossclaim Defendants
20 KAMEHAMEHA SCHOOLS/BERNICE PAUAHI
21 BISHOP ESTATE; J. DOUGLAS ING, NAINOA
22 THOMPSON, DIANE J. PLOTTS, ROBERT K.U.
23 KIHUNE, and CORBETT A.K. KALAMA, in their
24 capacities as Trustees of the Kamehameha Schools/Bernice
25 Pauahi Bishop Estate

26 DATED: April 23, 2008 Levin & Stein

27
28 By: /s/ Jerry H. Stein
Jerry H. Stein
Attorneys for Defendants, Counter-Claimants and
Cross-Claimants
JOHN DOE and JANE DOE

DATED: April 23, 2008 Banks & Watson

By: /s/ James J. Banks
James J. Banks
Attorneys for Plaintiff and Counter-Defendant
ERIC GRANT

1 IT IS SO ORDERED.

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3 DATED: April 24, 2008

By:



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HON. FRANK C. DAMRELL, JR.
United States District Judge

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