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6 Attorneys for Defendants,
MASKIT, LLC and
7 SHALLAN RAMSEY

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 ROY KUPPENBENDER,

12 Plaintiff,

13 vs.

14 MASKIT, LLC, an Oregon Corporation,
and, SHALLAN RAMSEY, an individual

15 Defendants.
16

Case No. 2:17-cv-00321-MCE

**STIPULATION AND ORDER TO SUBMIT
MATTER TO BINDING ARBITRATION**

Hon. Morrison C. England, Jr.

17 Plaintiff, ROY KUPPENBENDER, acting through his counsel, Angelina Moyo and
18 Defendants, MASKIT, LLC and SHALLAN RAMSEY, acting through their counsel, Jennifer E.
19 Duggan, and Christina M. Bucci of Duggan Law Corporation, hereby agree and stipulate that:

20 WHEREAS, the Complaint in this matter was filed on February 14, 2017, in United States
21 District Court, Eastern District of California, alleging claims for (1) Violation of 18 USC §1030; (2)
22 Violation of 18 USC §2701; (3) Breach of Contract; (4) Breach of Fiduciary Duty; (5) Fraudulent
23 Conversion; and (6) Breach of Implied Covenant of Good Faith and Fair Dealing.

24 WHEREAS Plaintiff drafted and Defendants executed a Consulting Agreement on or about
25 January 27, 2016, agreeing that any disputes arising “out of or in connection with” the Consulting
26 Agreement “will be submitted to final and binding arbitration in accordance with the laws of the
27 State of California,” a true and correct copy of which is attached hereto as “Exhibit A,” and;

28 Therefore, subject to the approval of this Court, it is hereby stipulated and agreed that:

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1. This action and all other causes of action arising out of the Consulting Agreement and the relationship between Plaintiff and Defendants shall be submitted to binding arbitration pursuant to the Consulting Agreement entered into between Plaintiff and Defendants;

2. The award of the arbitrator shall constitute a final determination of the matter as to all parties and all claims, and shall be submitted as the judgment in this action;

3. Upon formal adoption of this Stipulation by the parties and this Court's Order, Plaintiff's Complaint shall be dismissed with prejudice.

IT IS SO STIPULATED effective as of May 11, 2017.

Dated: May 12, 2017

MOYO LAW

By: /s/ Angelina Moyo
Angelina Moyo
Attorneys for Plaintiff,
ROY KUPPENBENDER

Dated: May 12, 2017

DUGGAN LAW CORPORATION

By: /s/ Jennifer E. Duggan
Jennifer E. Duggan
Christina M. Bucci
Attorneys for Defendants,
MASKIT, LLC and
SHALLAN RAMSEY

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ATTESTATION OF CONCURRENCE

I, Christina M. Bucci, attest that I am one of the attorneys for Defendants, MASKIT, LLC and SHALLAN RAMSEY. As the ECF user and filer of this document, I attest that concurrence in the filing of this document has been obtained from its signatories.

Dated: May 12, 2017

DUGGAN LAW CORPORATION

By: /s/ Christina M. Bucci
Jennifer E. Duggan
Christina M. Bucci
Attorneys for Defendants,
MASKIT, LLC and
SHALLAN RAMSEY

CERTIFICATE OF SERVICE

The undersigned counsel for Defendants, MASKIT, LLC, an Oregon Corporation and SHALLAN RAMSEY, an individual hereby certifies that a true and correct copy of the foregoing document was filed with the Court and served electronically through the CM-ECF (electronic case filing) system to all counsel of record to those registered to receive a Notice of Electronic Filing for this case on May 12, 2017.

Dated: May 12, 2017

DUGGAN LAW CORPORATION

By: /s/ Christina M. Bucci
Jennifer E. Duggan
Christina M. Bucci
Attorneys for Defendants,
MASKIT, LLC and
SHALLAN RAMSEY

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ORDER

Upon consideration of the foregoing Stipulation, and good cause appearing therefore,
IT IS HEREBY ORDERED:

1. Plaintiff, ROY KUPPENBENDER is ordered to submit to final and binding arbitration the claims against Defendants, MASKIT, LLC and SHALLAN RAMSEY set forth in, or which could have been asserted in, his Complaint in this Action, pursuant to the terms of the parties' agreement to arbitrate contained within the Consulting Agreement;
2. That the above-entitled action is dismissed, with prejudice as to Defendants, MASKIT, LLC and SHALLAN RAMSEY; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 12, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE