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 10 **Attorneys for Plaintiffs**
 THE NISSAN FIRE AND MARINE
 11 INSURANCE COMPANY, LTD., and
 HITACHI DATA SYSTEMS CORP.

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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **(SAN FRANCISCO DIVISION)**

16 THE NISSAN FIRE AND MARINE)	CASE NO.: C 02-02516 JSW
INSURANCE COMPANY, LTD., AND)	
17 HITACHI DATA SYSTEMS CORP.,)	STIPULATION AND PROPOSED
)	ORDER RE RELEASE OF
Plaintiffs/Appellee,)	OBLIGATION TO MAINTAIN
)	SUPERSEDEAS BOND
18 v.)	
)	FRCP 62(d)
19 BAX GLOBAL INC., AND CATHAY)	
20 PACIFIC AIRWAYS, LTD.,)	
)	
21 Defendants/Appellant.)	
)	

22
 23 **RECITATIONS**

24 WHEREAS this Court entered judgment in this lawsuit on May 11, 2006 in favor of
 25 plaintiffs THE NISSAN FIRE AND MARINE INSURANCE COMPANY, LTD., AND
 26 HITACHI DATA SYSTEMS CORP (collectively “plaintiffs” or “HITACHI”) against Defendant
 27 BAX GLOBAL INC. (“Defendant” or “BAX”) in the amount of \$156,184.17 (the “judgment”).

28 WHEREAS on June 11, 2008, the Ninth Circuit reversed in part and affirmed in part this

1 this Court's judgment, and thus remanded the matter for further proceedings;

2 WHEREAS BAX has maintained a supersedeas bond throughout the duration of the
3 appeal and premium for said bond is now coming due;

4 WHEREAS the purpose of said bond to cover the judgment is no longer applicable; and

5 WHEREAS the parties have met and conferred and agree that it is no longer necessary
6 for BAX to maintain the appeal bond.

7 **STIPULATION**

8 The parties hereto hereby stipulate, and the Court hereby orders that BAX is relieved of
9 any and all obligations to maintain the supersedeas bond previously approved by the Court.

10
11 Dated: May 8, 2009

LAW OFFICES OF GEORGE W. NOWELL

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13 By: _____ /S/
14 PAUL B. ARENAS
15 Attorneys for Defendant
16 BAX GLOBAL INC.
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Dated: May 8, 2009

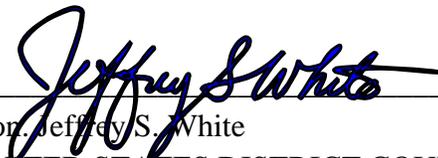
GIBSON ROBB & LINDH

By: _____ /S/
MICHAEL J. CUMMINS
Attorneys for Plaintiff
THE NISSAN FIRE AND MARINE INSURANCE
COMPANY, LTD., AND HITACHI DATA
SYSTEMS CORP.,

ORDER

THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

DATED: May 12, 2009



Hon. Jeffrey S. White
UNITED STATES DISTRICT COURT JUDGE

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