

1 MARTIN L. FINEMAN, State Bar No. 104413  
2 SUZANNE TOLLER, State Bar No. 129903  
3 DAVIS WRIGHT TREMAINE LLP  
4 505 Montgomery St., Suite 800  
5 San Francisco, California 94111-6533  
6 Telephone: (415) 276-6500  
7 Facsimile: (415) 276-6599

8 T. SCOTT THOMPSON, *pro hac vice*  
9 DAVIS WRIGHT TREMAINE LLP  
10 1919 Pennsylvania Avenue, N.W., Suite 200  
11 Washington, D.C. 20006  
12 Telephone: (202) 973-4200  
13 Facsimile: (202) 973-4499

14 ROBERT L. DELSMAN, State Bar No. 142376  
15 NEXTG NETWORKS, INC.  
16 2216 O'Toole Avenue  
17 San José, California 95131  
18 Telephone: (510) 845-9681  
19 Facsimile: (510) 845-7135

20 Attorneys for Plaintiff/Counter-Defendant  
21 NextG Networks of California, Inc.

22 DENNIS J. HERRERA, State Bar #139669  
23 City Attorney  
24 THERESA L. MUELLER, State Bar #172681  
25 WILLIAM K. SANDERS, State Bar #154156  
26 THOMAS J. LONG, State Bar #124776  
27 Deputy City Attorneys  
28 City Hall, Room 234  
San Francisco, California 94102-4682  
Telephone: (415) 554-6548  
Facsimile: (415) 554-4757

Attorneys for Defendants/Counter-Claimant  
City and County of San Francisco and the  
Department of Public Works of the City and  
County of San Francisco

ROBERT L. FLETCHER, JR., State Bar #46711  
DEBORAH B. HONIG, State Bar #69017  
City and County of San Francisco  
Tax Collector – Legal Section  
P.O. Box 7426  
San Francisco, California 94120-7426  
Telephone: (415) 554-4495  
Facsimile: (415) 554-5010

Attorneys for Counter-Claimant  
City and County of San Francisco

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 NEXTG NETWORKS OF CALIFORNIA, INC.,  
5 a Delaware corporation,

6 Plaintiff,

7 v.

8 THE CITY OF SAN FRANCISCO and THE  
9 DEPARTMENT OF PUBLIC WORKS OF THE  
10 CITY OF SAN FRANCISCO,

11 Defendants

12 THE CITY AND COUNTY OF SAN  
13 FRANCISCO,

14 Counter-Claimant,

15 v.

16 NEXTG NETWORKS OF CALIFORNIA, INC.,

17 Counter-Defendant.

No. C 05 0658-MHP

**PARTIES' STIPULATION OF  
DISMISSAL WITHOUT  
PREJUDICE**

18 Plaintiff/Counter-Defendant NextG Networks of California, Inc. ("NextG") and  
19 Defendants/Counter-Claimant the City and County of San Francisco and the Department of Public  
20 Works of the City and County of San Francisco ("City"), through their undersigned counsel, hereby  
21 stipulate to the dismissal without prejudice of all claims remaining before this Court, pursuant to Rule  
22 41(a)(1) of the Federal Rules of Civil Procedure. Specifically, the parties agree and stipulate to the  
23 dismissal without prejudice of NextG's Second, and Sixth Claims for Relief in NextG's original  
24 complaint filed February 11, 2005, and the City's Counterclaim filed March 6, 2006. Each Party will  
25 bear its own costs and attorneys' fees.

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1 Dated: November 20, 2008

2 MARTIN L. FINEMAN  
3 SUZANNE TOLLER  
4 T. SCOTT THOMPSON  
5 DAVIS WRIGHT TREMAINE, LLP

6 ROBERT L. DELSMAN  
7 NEXTG NETWORKS, INC.

8 By: /s/  
9 T. SCOTT THOMPSON

10 Attorneys for Plaintiff/Counter-Defendant  
11 NextG Networks of California, Inc.

12 Dated: November 12, 2008

13 DENNIS J. HERRERA  
14 City Attorney  
15 THERESA L. MUELLER  
16 Chief Energy and Telecommunications Deputy  
17 WILLIAM K. SANDERS  
18 THOMAS J. LONG  
19 Deputy City Attorneys

20 ROBERT L. FLETCHER, JR.  
21 DEBORAH B. HONIG  
22 Tax Collector – Legal Section

23 By: /s/  
24 WILLIAM K. SANDERS

25 Attorneys for Defendants/Counter-Claimant  
26 City and County of San Francisco and the Department of  
27 Public Works of the City and County of San Francisco

