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 14 GE TRANSPORTATION SYSTEMS
 GLOBAL SIGNALING, LLC

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

19 SAN FRANCISCO BAY AREA RAPID
 20 TRANSIT DISTRICT,

21 Plaintiff,

22 vs.

23 GE TRANSPORTATION SYSTEMS
 GLOBAL SIGNALING, LLC,

24 Defendant.

Case No. C 06-3749 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER DISMISSING THE FOURTH AND
 SIXTH COUNTS OF THE THIRD
 AMENDED COMPLAINT [F.R.Civ.P. 41(a)]**

Judge: Hon. Jeffrey S. White

Complaint Filed: June 13, 2006
 Trial Date: August 30, 2010

25 AND RELATED COUNTERCLAIM
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 28 STIP. & ~~PROPOSED~~ ORDER DISMISSING 4TH
 AND 6TH COUNTS OF THIRD AMENDED
 COMPLAINT

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STIPULATION

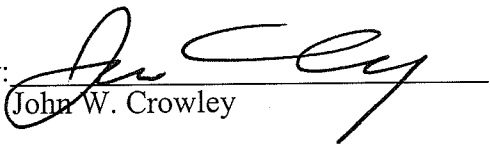
Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") and defendant GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC ("GETS") hereby stipulate that:

1. GETS did not terminate the Phase 2 Work within the meaning of Articles SC8.3 and P8.4 of the contract that is the subject of this lawsuit, and, therefore, the Court may order the dismissal of the Fourth Count of BART's Third Amended Complaint; and

2. The Sixth Count of BART's Third Amended Complaint presently is procedurally inappropriate, and the Court may order its dismissal.

DATED: November 11, 2009

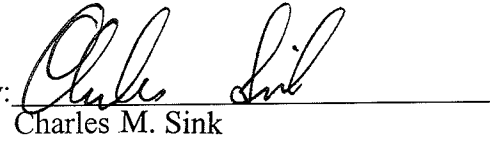
CROWLEY, STRINGER & FENSKE LLP

By: 
John W. Crowley

Attorneys for Plaintiff and
Counterdefendant
SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

DATED: November ¹²11, 2009

FARELLA BRAUN + MARTEL LLP

By: 
Charles M. Sink

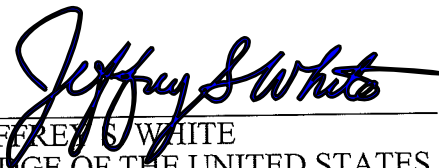
Attorneys for Defendant and Counterclaimant
GE TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 30, 2009



JEFFREY S. WHITE
JUDGE OF THE UNITED STATES
DISTRICT COURT