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26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability
company; REARDEN PRODUCTIONS LLC, a
California limited liability company; REARDEN
STUDIOS LLC, a California limited liability
company; REARDEN, INC., a California
corporation; and REARDEN PROPERTIES LLC,
a California limited liability company,

Plaintiffs,

v.

REARDEN COMMERCE, INC., a California
corporation, and DOES 1 through 150, inclusive,

Defendants.

Case No. C 06-07367 MHP

**STIPULATION AND
[PROPOSED] ORDER
MODIFYING COURT'S ORDER
OF AUGUST 23, 2010 STAYING
EXECUTION OF JUDGMENT
AND APPROVING POSTING OF
SUPERSEDEAS BOND**

Dept.: Courtroom 15, 18th Floor
Before: Hon. Marilyn H. Patel

1 The parties, through their respective undersigned counsel, hereby stipulate pursuant to
2 Local Rule 7-12 and Federal Rule of Civil Procedure 62(d) as follows:

3 WHEREAS, on August 20, 2010, the parties filed a stipulation and proposed order with
4 this Court to stay execution of judgment for payment of costs upon posting of supersedeas bond
5 (Dkt. 288);

6 WHEREAS, the stipulation stated that immediately upon the filing by Plaintiffs of a
7 supersedeas bond in an amount of not less than \$35,770.12, the judgment for costs in the amount
8 of \$35,770.12 shall be entered in favor of Defendant Rearden Commerce, payment of which to
9 Defendant by Plaintiffs shall be stayed pursuant to FRCP 62(d), until the mandate is issued by the
10 United States Court of Appeals for the Ninth Circuit;

11 WHEREAS, on August 23, 2010, the Court approved the parties' stipulation;

12 WHEREAS, the parties request that the Court modify the August 23, 2010 order to allow,
13 as an alternative, that Plaintiffs may in lieu of the supersedeas bond deposit with the court cash
14 collateral in an amount of not less than \$35,770.12;

15 IT IS HEREBY STIPULATED that:

16 The Order of August 23, 2010, may be modified to read as follows: "Immediately upon
17 the filing by Plaintiffs of a supersedeas bond in an amount of not less than \$35,770.12, **or upon**
18 **the deposit with the Court of cash or certified funds in an amount of not less than**
19 **\$35,770.12**, the judgment for costs in the amount of \$35,770.12 shall be entered in favor of
20 Defendant Rearden Commerce, payment of which to Defendant by Plaintiffs shall be stayed
21 pursuant to FRCP 62(d), until the mandate is issued by the United States Court of Appeals for the
22 Ninth Circuit."

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Dated: August 30, 2010

MORRISON & FOERSTER LLP

By: /s/ Douglas L. Hendricks
DOUGLAS L. HENDRICKS

Attorneys for Plaintiffs

Dated: August 30, 2010

GREENBERG TRAURIG LLP

By: /s/ Kevin J. O'Shea
KEVIN J. O'SHEA

Attorneys for Defendant

I, Douglas L. Hendricks, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER MODIFYING COURT'S ORDER OF AUGUST 23, 2010 STAYING EXECUTION OF JUDGMENT AND APPROVING POSTING OF SUPERSEDEAS BOND**. In compliance with General Order 45, X.B., I hereby attest that Kevin J. O'Shea has concurred in this filing.

Dated: August 30, 2010


MORRISON & FOERSTER LLP

By: /s/ Douglas L. Hendricks
DOUGLAS L. HENDRICKS

Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/31, 2010



THE HON. MARILYN H. PATEL
U.S. DISTRICT COURT JUDGE