

1 Matthew G. Ball (SBN 20881)
 Matthew.Ball@klgates.com
 2 **K&L GATES LLP**
 3 4 Embarcadero Ctr., Suite 1200
 San Francisco, CA 94111
 4 Telephone: (415) 882-8200
 Facsimile: (415) 882-8220
 5

6 Judith H. Ramseyer (admitted *pro hac vice*)
 judy@ramseyerlaw.com
 7 **LAW OFFICES OF JUDITH H. RAMSEYER PLLC**
 2025 First Avenue, Suite 1150
 8 Seattle, WA 98121
 Telephone: (206) 728-6872
 9 Facsimile: (206) 260-6689

10 Attorneys for Defendants
 11 GENE HENSLEY, DAVID HERRICK,
 JOHN HENLEY, PEGGY FRY, and
 12 JOHN McCONNELL

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 CLARKE and REBECCA WIXON and
 NORMAN and BARBARA WIXON, on
 16 behalf of themselves and all others similarly
 situated,

17
 18 Plaintiffs,

19 v.

20 WYNDHAM RESORT DEVELOPMENT
 CORP (f/k/a Trendwest Resorts, Inc.), GENE
 21 HENSLEY, DAVE HERRICK, JOHN
 HENLEY, PEGGY FRY, JOHN
 22 MCCONNELL, and nominally,
 23 WORLDMARK, THE CLUB,

24 Defendants.

No. C 07-02361 JSW

**STIPULATION AND [PROPOSED]
 ORDER PERMITTING DIRECTOR
 DEFENDANTS TO AMEND THEIR
 ANSWER TO PLAINTIFFS' THIRD
 AMENDED COMPLAINT**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Clarke and Rebecca Wixon and
2 Norman and Barbara Wixon ("Plaintiffs"), and Defendants Gene Hensley, Dave Herrick, John
3 Henley, Peggy Fry, and John McConnell ("Director Defendants"), by and through their respective
4 counsel, that Director Defendants may amend their answer to Plaintiffs' Third Amended Complaint
5 pursuant to Federal Rule of Civil Procedure 15. By entering into this stipulation, Plaintiffs do not
6 waive but expressly reserve the right to move to strike or otherwise challenge the Amended Answer
7 as permitted by the Federal Rules of Civil Procedure.

8 The Amended Answer is attached hereto as Exhibit A and is deemed filed when this Court
9 grants the order below.

10 DATED this 17th of February, 2009.

11 K&L GATES LLP

GIRARD GIBBS LLP

12
13
14 By: /s/ Matthew G. Ball
Matthew G. Ball (SBN 208881)
matthew.ball@klgates.com

By: /s/Elizabeth C. Pritzker
Jonathan K. Levine
Elizabeth C. Pritzker

15
16 Judith H. Ramseyer (*admitted pro hac vice*)
judy@ramseyerlaw.com
Law Offices of Judith H. Ramseyer PLLC
17 2025 First Avenue, Suite 1150
Seattle, Washington, 98121
18 Telephone: (206) 728-6872;
Facsimile: (206) 260-6689

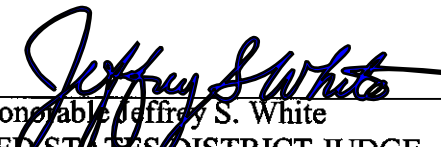
Attorneys for Individual and
Representative Plaintiffs Clarke and
Rebecca Wixon and Norm and
Barbara Wixon

19
20 Attorneys for Defendants Gene Hensley,
David Herrick, John Henley,
21 Peggy Fry, and John McConnell

22
23 **ORDER**

24 IT IS SO ORDERED.

25 DATED: February 17, 2009


The Honorable Jeffrey S. White
26 UNITED STATES DISTRICT JUDGE

27 The Director Defendants SHALL file a copy of the Amended Answer as a separate docket entry.