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Class Counsel and  
Attorneys for Plaintiffs Clarke and Rebecca Wixon,  
Norman and Barbara Wixon, and Kandice Scattolon

*[Additional counsel appear on signature page]*

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

Clarke and Rebecca Wixon, Norman  
and Barbara Wixon, and Kandice Scattolon,  
derivatively and on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

Wyndham Resort Development Corp. (f/k/a  
Trendwest Resorts, Inc.), Gene Hensley,  
David Herrick, John Henley, Peggy Fry, and John  
McConnell, and nominally,  
WorldMark, The Club,

Defendants.

Case No. C 07-02361 JSW (BZ)

**STIPULATION AND ~~PROPOSED~~  
ORDER SUSPENDING PRE-TRIAL  
AND TRIAL DEADLINES  
PERTAINING TO CLAIMS AGAINST  
DEFENDANT WYNDHAM RESORT  
DEVELOPMENT CORP. IN LIGHT  
OF PROPOSED SETTLEMENT**

**CLASS AND DERIVATIVE ACTION**

Before: Hon. Jeffrey S. White

STIPULATION AND ~~PROPOSED~~ ORDER SUSPENDING PRE-TRIAL AND TRIAL DEADLINES PERTAINING TO  
CLAIMS AGAINST DEFENDANT WYNDHAM RESORT DEVELOPMENT CORP. IN LIGHT OF PROPOSED  
SETTLEMENT CASE NO. C 07 2361 JSW (BZ)

1 WHEREAS, on July 2, 2010, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara  
2 Wixon, Kandice Scattolon, and the Class (collectively, "Plaintiffs") and Defendant Wyndham Resort  
3 Development Corporation ("Wyndham"), through their counsel, reached a preliminary settlement  
4 regarding all claims by Plaintiffs against Wyndham;

5 WHEREAS, counsel for Plaintiffs and Wyndham are working diligently to prepare and enter  
6 into a detailed, formal agreement and to prepare all necessary supporting documentation with respect to  
7 class members and regulatory entities, which documentation will be submitted to the Court by no later  
8 than September 24, 2010;

9 WHEREAS, in order to avoid any unnecessary expenditure of the parties' and the Court's  
10 resources regarding the settled claims pending Court approval, Plaintiffs and Wyndham seek an order  
11 from the Court suspending the case management schedule (Dkt. Nos. 411, 412) as it applies to  
12 Plaintiffs' claims against Wyndham and the Court's order pertaining to class notice (Dkt. No. 487),  
13 while counsel for the parties prepare formal documentation of the settlement, notice of the settlement is  
14 provided to the Class, and a hearing to approve the settlement can be held;

15 IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, by and  
16 through their respective counsel, and subject to approval of the Court, that all pending pre-trial and trial  
17 deadlines pertaining to Plaintiffs' claims against Wyndham be suspended, pending submittal to the  
18 Court of the parties' formal documentation of settlement, notice of the settlement to the Class, and the  
19 Court's final approval of the settlement; and

20 IT IS FURTHER STIPULATED AND AGREED that the Court shall make any further orders  
21 with respect to the settlement, or with respect to any applicable deadlines pertaining to the settlement or  
22 to Plaintiffs' claims against Wyndham, at such further time as the Court deems appropriate, upon  
23 review of the parties' formal settlement documentation.

1 Dated: July 7, 2010

Respectfully submitted,

2 **GIRARD GIBBS LLP**

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16 *Attorneys for the Class and Plaintiffs Clarke and Rebecca*  
17 *Wixon, Norman and Barbara Wixon, and Kandice*  
18 *Scattolon*

1 Dated: July 7, 2010

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17 *Attorneys for Defendant Wyndham Resort*  
18 *Development Corporation*

~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 7, 2010

  
The Honorable Jeffrey S. White  
UNITED STATES DISTRICT JUDGE