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 11 TOLL BROTHERS, INC.

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

15 TOLL BROTHERS, INC.,
 16 Plaintiff,
 17 vs.
 18 CHANG SU-O LIN; HONG LIEN LIN;
 HONG YAO LIN,
 19 Defendants.
 20
 21 AND RELATED CROSS-ACTION.

Case No. 08-cv-00987 SC
**STIPULATION TO WITHDRAW
 DEFENDANTS' JURY DEMAND**

23 Pursuant to Federal Rules of Civil Procedure Rules 38(d) and 39(a)(1), the Parties,
 24 Plaintiff Toll Brothers, Inc. ("Toll") and Defendants Chang Su-O Lin, Hong Lien Lin, and Hong
 25 Yao Lin (the "Lins") stipulate to the withdrawal of the Lins' Demand for a Jury Trial and to the
 26 trial of all issues by the Court.

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STIPULATION

WHEREAS the Lins filed a Demand for a Jury Trial;

WHEREAS the Lins seek to withdraw their Demand for a Jury Trial; and

WHEREAS Toll consents to the Lins' withdrawal of their Demand for a Jury Trial;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto and their respective undersigned attorneys, as follows:

The Lins' Demand for a Jury Trial is withdrawn and all issues are to be tried by the Court.

IT IS SO STIPULATED.

DATED: February 4, 2009 KASOWITZ BENSON TORRES & FRIEDMAN LLP

By: /s/ Christopher J. McNamara
Christopher J. McNamara
Attorneys for Plaintiff
TOLL BROTHERS, INC.

DATED: February 4, 2009 MCNICHOLS BEERS LLP

By: /s/ Everitt Beers
Everitt Beers
Attorneys for Defendants

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 5, 2009

By: _____
Hon. S

