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6 Attorneys for Defendant,
 7 ILLINOIS UNION INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JON W. BAYLESS and GARY J.
 12 MORGENTHALER, as Trustees in
 13 Dissolution for WESTWAVE
 14 COMMUNICATIONS, INC. a
 15 dissolved Delaware Corporation,

15 Plaintiff,

16 vs.

17 ILLINOIS UNION INSURANCE
 18 COMPANY, and DOES 1-10.

19 Defendants.

) Case No. C 08-01779 JSW

)
) **NOTICE OF SETTLEMENT AND**
) **STIPULATION RE TAKING**
) **MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT OFF**
) **CALENDAR**

) **Date: October 23, 2009**

) **Time: 9:00 a.m.**

) **Dept.: 11**

21 Plaintiffs Jon W. Bayless and Gary J. Morgenthaler, as Trustees in
 22 Dissolution for Westwave Communications, Inc., a dissolved Delaware
 23 Corporation ("Westwave") and Defendant Illinois Union Insurance Company
 24 ("Illinois Union") hereby stipulate as follows:

25 1. Whereas, Westwave filed a Motion for Partial Summary Judgment
 26 which was continued for hearing to October 23, 2009.

27 2. Whereas, Westwave and Illinois Union have reached a settlement of
 28 all claims between them and are in the process of documenting that settlement.

1 3. Whereas, the settlement has rendered the pending motion moot.

2 4. In light of these circumstances, the parties request that the pending
3 motion for partial summary judgment be taken off calendar.

4 IT IS SO STIPULATED.

5 Dated: September 29, 2009 PILLSBURY & LEVINSON, LLP

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By: /s/ Celia M. Jackson

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Celia M. Jackson
Attorneys for Plaintiffs
JON W. BAYLESS, GARY J.
MORGENTHALER, as Trustees in
Dissolution for WESTWAVE
COMMUNICATIONS, INC. a dissolved
Delaware Corporation

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Dated: September 29, 2009 WILSON, ELSER, MOSKOWITZ,
 EDELMAN & DICKER LLP

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By: /s/ Darren Le Montree

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Darren Le Montree
Julie E. Van Wert
Attorneys for Defendant
ILLINOIS UNION INSURANCE
COMPANY

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IT IS SO ORDERED. This Order terminates Docket No. 32.

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Dated: September 30, 2009

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Jeffrey S. White
Hon. Jeffrey S. White

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