

Gregory S. Walston, State Bar No. 196776
Orestes Alexander Cross, State Bar No. 250471
WALSTON CROSS
222 Columbus Avenue, Suite 420
San Francisco, California 94133
Telephone: (415) 956-9200
Facsimile: (415) 956-9205
Email: gwalston@walstonlaw.com

Attorneys for Plaintiff
MARKHAM ROBINSON

JOSHUA D. HESS, SBN 244115,
JHess@gibsondunn.com
One Montgomery Street
Suite 3100
San Francisco, California 94104
Telephone: (415) 393-8200
Facsimile: (415) 986-5309

Attorney for Defendants
SENATOR JOHN MCCAIN AND THE
REPUBLICAN NATIONAL COMMITTEE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARKHAM ROBINSON,

Plaintiff,

v.

SECRETARY OF STATE DEBRA BOWEN,
THE REPUBLICAN NATIONAL
COMMITTEE, THE CALIFORNIA
REPUBLICAN PARTY, and SENATOR JOHN
MCCAIN,

Defendants.

CASE NO. C 08-03836 WHA

**STIPULATION AND [PROPOSED]
ORDER DISMISSING IN PART
PLAINTIFF'S COMPLAINT**

Plaintiff and Defendants Senator John McCain and the Republican National Committee ("RNC") (collectively, "Defendants") hereby respectfully submit the following stipulation and proposed order dismissing certain portions of the Complaint in the above-captioned matter. Specifically, Plaintiff and Defendants stipulate that the Court should dismiss the following portions of the Complaint with prejudice:

1 1. Those portions of the Second Cause of Action and Prayer that seek to enjoin the RNC
2 and California Republican Party from nominating Senator John McCain as their candidate for
3 President of the United States (but not the remaining allegations in the Second Cause of Action,
4 including the portions seeking to enjoin Senator McCain from running for President);

5 2. The Third and Fifth Causes of Action pursuant to Cal. Bus. & Prof. Code § 17200.

6 In entering into the Stipulation, Plaintiff does not concede the legal sufficiency of any of his
7 remaining claims for relief. Similarly, Defendants do not concede any defense or their right to move
8 to dismiss the remaining claims in the Complaint.

9 Respectfully submitted,

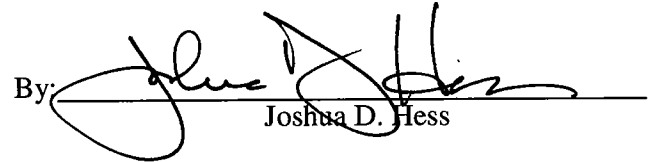
10 Dated: August 25, 2008

 WALSTON CROSS

11 

12 By: Gregory S. Walston

13 Attorneys for Plaintiff

14 

15 By: Joshua D. Hess
16 Matthew D. McGill
17 (pro hac vice admission pending)
18 1050 Connecticut Avenue, N.W.
19 Washington, D.C. 20036
20 (202) 887-3680

21 Attorneys for Defendants
22 SENATOR JOHN MCCAIN AND THE
23 REPUBLICAN NATIONAL COMMITTEE

24 **[PROPOSED] ORDER**

25 IT IS SO ORDERED.

26 DATED:

27 By: _____
28 William H. Alsup
 United States District Judge

100506573_1.DOC