

1 Gregory S. Walston, State Bar No. 196776
 2 Orestes Alexander Cross, State Bar No. 250471
 3 WALSTON CROSS
 4 222 Columbus Avenue, Suite 420
 5 San Francisco, California 94133
 6 Telephone: (415) 956-9200
 7 Facsimile: (415) 956-9205
 8 Email: gwalston@walstonlaw.com

9 Attorneys for Plaintiff
 10 MARKHAM ROBINSON

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

18 Attorney for Defendants
 19 SENATOR JOHN MCCAIN AND THE
 20 REPUBLICAN NATIONAL COMMITTEE

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

24 MARKHAM ROBINSON,

25 Plaintiff,

26 v.

27 SECRETARY OF STATE DEBRA BOWEN,
 28 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

Respectfully submitted,

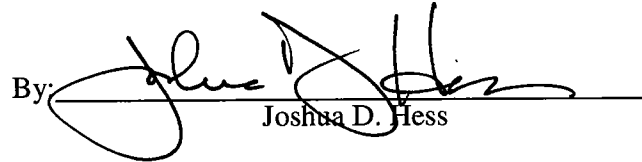
Dated: August 25, 2008

WALSTON CROSS



By: Gregory S. Walston

Attorneys for Plaintiff



Joshua D. Hess

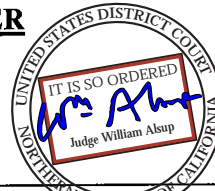
Matthew D. McGill
(pro hac vice admission pending)
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 887-3680

Attorneys for Defendants
SENATOR JOHN MCCAIN AND THE
REPUBLICAN NATIONAL COMMITTEE

~~PROPOSED~~ ORDER

IT IS SO ORDERED.

DATED: September 2, 2008



By: _____
William H. Alsup
United States District Judge

100506573_1.DOC