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6 Attorneys for Plaintiff Modis, Inc.

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 MODIS, INC.,

11 Plaintiff,

12 vs.

13 NOAH BRADACH,

14 Defendant.

Case No. 08-03958 WHA

**STIPULATION AND [PROPOSED]  
 ORDER RE MOTION FOR LEAVE TO  
 AMEND COMPLAINT**

Hon. William H. Alsup

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

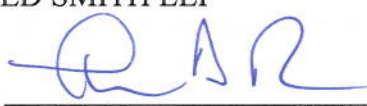
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 16  
 17 Whereas, Plaintiff Modis, Inc. ("Modis") filed a motion for leave to amend its complaint on  
 18 December 18, 2009, which is currently set for hearing on January 29, 2009;

19 Whereas, defendant Noah Bradach ("Bradach") does not oppose the amendment and is  
 20 willing to stipulate to leave to amend for the sake of judicial economy, without in any way  
 21 admitting the allegations in the amended complaint;

22 Modis and Bradach hereby stipulate, pursuant to Rule 15(a)(2), that Modis may amend its  
 23 complaint and file its First Amended Complaint in the form attached as Exhibit "A" to this  
 24 stipulation, and that Bradach shall have twenty (20) days to respond to the amended complaint after  
 25 filing.

26 REED SMITH LLP

27 Dated: January 22, 2009

28 By   
 Thomas A. Evans  
 Attorney for Modis, Inc.

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MBV LAW LLP

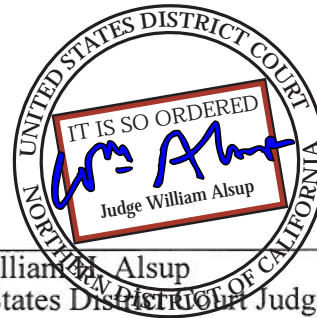
Dated: January 20, 2009

By \_\_\_\_\_  
Eli W. Gould  
Attorney for Noah Bradach

~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED, upon the consent of the parties pursuant to Rule 15(b)(2) of the Federal Rules of Civil Procedure, that Plaintiff Modis, Inc., shall file its First Amended Complaint no later than January 30, 2009, 2009.

DATED: January 23, 2009.



\_\_\_\_\_  
Hon. William Alsup  
United States District Court Judge

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