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13 CHALKER, KARP AND EVERLOVE

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 \_\_\_\_\_ )  
18 SHAWN D.CATZ, JASON A. CATZ, )  
19 ROBERT S. CATZ, )

20 Plaintiffs, )

21 vs. )

22 SUSAN R. CHALKER, LEONARD KARP, )  
23 ANNETTE EVERLOVE et al., )

24 Defendants. )  
25 \_\_\_\_\_ )

No. CV 08-80022 MISC (VRW)

STIPULATION AND ~~PROPOSED~~  
ORDER VACATING WRIT OF  
EXECUTION AND DISMISSING  
ACTION WITHOUT PREJUDICE

Judge: Vaughn Walker

26 WHEREAS, on October 26, 2007, the United States District Court for the  
27 District of Arizona ("Arizona District Court") issued an order in Case No. 4:03-CV-  
28 00091-FRZ-JCG (D. Ariz.) awarding Susan R. Chalker, Leonard Karp and Annette  
Everlove ("Defendants") \$66,126 in attorneys fees (the "Arizona Fee Award")  
jointly and severally against Robert Catz, Shawn Catz, and Jason Catz ("Plaintiffs");

1           WHEREAS, on February 21, 2008, Defendants applied to this Court for the  
2 purpose of registering a judgment from the Arizona District Court that would allow  
3 them to garnish the wages of Jason Catz to collect the Arizona Fee Award (the  
4 “Action”);

5           WHEREAS, on or about May 13, 2009, the Ninth Circuit Court of Appeals  
6 issued an order in Catz v. Chalker, Case No. 08-16468 (May 13, 2009) (9th Cir.) (the  
7 “Ninth Circuit Order,” a true and correct copy of which is attached to this stipulation  
8 and proposed order as Exhibit A), wherein the Ninth Circuit: 1) vacated the Arizona Fee  
9 Award; 2) held that Susan Chalker was not a prevailing party in the Arizona litigation  
10 for any award of attorneys fees in the Arizona litigation (Exh. A, p. 4), and 3) remanded  
11 the case to the Arizona District Court for consideration of the amount of fees  
12 attributable solely to Defendants Karp and Everlove (Exh. A, p. 6);

13           WHEREAS, on or about July 6, 2009, this Court issued a writ of execution  
14 against Jason Catz in the amount of \$66,126 (“July 6, 2009 Order”);

15           WHEREAS, pursuant to the Ninth Circuit Order of May 13, 2009, the parties  
16 intend to litigate the amount of attorneys fees attributable to the representation of  
17 Defendants Karp and Everlove while on remand before the Arizona District Court;

18           NOW THEREFORE, Defendants, by and through their counsel, and Plaintiff  
19 Jason Catz, hereby stipulate and agree that:

20           1.     To avoid further motion practice before this Court, the parties agree that  
21 the July 6, 2009 Order should be vacated and that this matter should be dismissed  
22 without prejudice until such time that the Arizona District Court issues a new fee award  
23 consistent with the Ninth Circuit's Order.

24           2.     Plaintiff Jason Catz does not waive any rights to oppose Defendants' fee  
25 application on remand in the Arizona District Court or to appeal any award of attorneys  
26 fees by that Court.

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2. The Action herein shall be, and it hereby is, dismissed without prejudice.

Dated: 8/17/2009

