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15 Attorneys for Plaintiff
 16 ORACLE USA, INC.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 ORACLE USA, INC., a Colorado Corporation,

Case No.: CV 09-0537 MHP

21 Plaintiff

STIPULATION AND ~~PROPOSED~~ ORDER
 GRANTING LEAVE FOR FILING OF FIRST
 AMENDED COMPLAINT

22 v.

23 XL GLOBAL SERVICES, INC., a Delaware
 24 Corporation,

25 Defendant.

26 AND RELATED COUNTERCLAIM

27 IT IS HEREBY STIPULATED, by and between the parties hereto through their
 28 respective undersigned attorneys, that plaintiff Oracle USA, Inc. shall have leave to file a First Amended
 Complaint in the form attached as Exhibit 1 to this Stipulation and Order.

In light of this stipulation, the motion for leave to file amended complaint, currently set

1 for hearing on September 14, 2009, is moot and may be taken off calendar.

2 SO STIPULATED:

3
4 Dated: September 8, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

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7 By: _____ /S/
8 JAMES A. HUGHES

9 Attorneys for
10 PLAINTIFF ORACLE USA, INC.

11
12 Dated: September 8, 2009

SOMMERS & SCHWARTZ LLP

13 By: _____ /S/
14 Frank F. Sommers, IV

15 Attorneys For Defendant and Counterclaimant
16 XL GLOBAL SERVICES, INC.

17 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the*
18 *signatories' concurrence in the filing of this document has been obtained.*

1 **ORDER**

2 The parties having stipulated and good cause appearing;

3 IT IS ORDERED that plaintiff Oracle USA, Inc. is granted leave to file the proposed
4 First Amended Complaint. **Defendant's answer to the First Amended Complaint shall be filed on or**
5 **before October 5, 2009.**

6 Date: 9/9/2009

