

1 HANSON BRIDGETT LLP  
 2 SANDRA L. RAPPAPORT - 172990  
 srappaport@hansonbridgett.com  
 3 WALTER R. SCHNEIDER - 173113  
 JILL N. CARTWRIGHT - 209479  
 4 425 Market Street, 26th Floor  
 San Francisco, CA 94105  
 Telephone: (415) 777-3200  
 5 Facsimile: (415) 541-9366

6 Attorneys for Plaintiff  
 CVPARTNERS, INC.

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

10 CVPARTNERS, INC., a California  
 corporation,

11 Plaintiff,

12 v.

13 JEANMARIE BOBEN, an individual;  
 14 TYLER HUBBS, an individual; MATT  
 HINDE, an individual; and PATRICIA  
 15 REDINGTON, an individual; ANDY  
 DUNAYCZAN; and DOES 1 to 15,

16 Defendants.

No. CV 09 0689 SI

**STIPULATED REQUEST TO VACATE  
 PRIOR ORDER OF DISMISSAL AND FOR  
 ENTRY OF ORDER DISMISSING ACTION  
 ON THE TERMS AGREED TO BY THE  
 PARTIES; [PROPOSED] ORDER**

18 TO THE HONORABLE SUSAN ILLSTON AND THE CLERK OF THE UNITED  
 19 STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA,

20 Pursuant to the Settlement Agreement with Mutual Releases ("Agreement") they  
 21 entered into, Plaintiff CVPartners, Inc. and Defendants Tyler Hubbs and Jeanmarie  
 22 Boben stipulate to the dismissal with prejudice of (1) the above-entitled matter against  
 23 Tyler Hubbs and Jeanmarie Boben; (2) Tyler Hubbs's Counterclaim against CVPartners,  
 24 Inc.; and (3) Jeanmarie Boben's Counterclaim against CVPartners; provided:

25 (1) that the dismissals be conditioned on the terms of the Agreement;

26 (2) that each party will bear its own costs, expenses, and attorneys' fees; and,

27 (3) that the Court retain jurisdiction over the enforcement of the Agreement for

28 two years in the event legal action is required to enforce the terms of the Agreement.

REQUEST TO VACATE PRIOR ORDER OF DISMISSAL AND FOR ENTRY OF  
 DISMISSAL ON TERMS AGREED TO BY PARTIES; [PROPOSED] ORDER  
 CV 09 0689 SI

1964094.2

1 Pursuant to that Agreement, the parties hereby request this Court to vacate its  
2 July 7, 2009, Order of Dismissal Upon Settlement and instead enter an order dismissing  
3 the case against Jeanmarie Boben and Tyler Hubbs and dismissing Jeanmarie Boben's  
4 and Tyler Hubbs's Counterclaims against CVPartners, Inc., all with prejudice, consistent  
5 with the above conditions and as set forth in the below Order.

6 DATED: August 5, 2009

HANSON BRIDGETT LLP

7  
8 By: /s/

SANDRA L. RAPPAPORT  
WALTER R. SCHNEIDER  
Attorneys for Plaintiff  
CVPARTNERS, INC.

9  
10  
11 DATED: August 5, 2009

DILLINGHAM & MURPHY LLP

12  
13 By: /s/

CARLA J. HARTLEY  
ATTORNEYS FOR DEFENDANTS  
JEANMARIE BOBEN AND TYLER  
HUBBS

14  
15  
16 DATED: August 5, 2009

GOODWIN PROCTER LLP

17  
18 By: /s/

THOMAS F. FITZPATRICK  
STUART BARTOW  
ATTORNEYS FOR DEFENDANT  
TYLER HUBBS

19  
20  
21  
22 \*I, Sandra L. Rappaport, hereby attest that concurrence in the filing of this  
23 document has been obtained from each of the other signatories within this e-filed  
24 document.  
25  
26  
27  
28

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

ORDER

IT IS ORDERED THAT the Order of Dismissal Upon Settlement, entered in the above-entitled matter on July 7, 2009, is hereby VACATED.

IT IS FURTHER ORDERED that the above-entitled matter, including all claims and Counterclaims, is hereby dismissed with prejudice and;

IT IS FURTHER ORDERED THAT the above dismissals are conditioned on the terms of the parties' Settlement Agreement with Mutual Releases. Each party will bear its own costs, expenses, and attorneys' fees.

The Court hereby retains jurisdiction over the enforcement of the parties' Settlement Agreement with Mutual Releases for two years in the event legal action is required to enforce its terms.

DATED: August 5, 2009

