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Attorneys for Plaintiff

Attorneys for Defendants and  
 Counterclaimants  
 EDISON MISSION ENERGY and  
 MIDWEST GENERATION, LLC

EXERGETIC SYSTEMS, LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

EXERGETIC SYSTEMS, LLC,

Plaintiff,

v.

EDISON MISSION ENERGY; and  
 MIDWEST GENERATION LLC,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 09-0883-MHP

**STIPULATION AND [PROPOSED]  
 ORDER RE: DISMISSAL WITH  
 PREJUDICE**

1 Exergetic Systems, LLC and Midwest Generation LLC, and Edison Mission Energy,  
2 (“the Parties”) hereby stipulate, through their respective counsel of record, that this action be  
3 dismissed with prejudice pursuant to the terms of the Parties’ Settlement Agreement, executed on  
4 February 10, 2010.

5 IT IS SO STIPULATED.

6  
7 Dated: February 19, 2010

DERGOSITS & NOAH LLP

8 By: \_\_\_\_\_/s/  
9 Michael E. Dergosits  
10 Attorneys for Plaintiff and  
11 Counterdefendant  
12 EXERGETIC SYSTEMS, LLC

13 Dated: February 19, 2010

JONES DAY

14 By: \_\_\_\_\_/s/  
15 Arthur S. Beeman  
16 Attorneys for Defendants and  
17 Counterclaimants  
18 EDISON MISSION ENERGY and  
19 MIDWEST GENERATION LLC

20 I attest under penalty of perjury that concurrence in the filing of this document has been  
21 obtained from Defendants’ counsel, Arthur S. Beeman.

22 \_\_\_\_\_/s/  
23 Michael E. Dergosits

24 IT IS SO ORDERED.

25 Dated: February 22, 2010



26 STIPULATION AND [PROPOSED] ORDER  
27 Case No.: CV-09-0883 MHP  
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