E-Filed 11/4/11 Michael S. Kogan (SBN 128500) 1 ERVIN COHEN & JESSUP LLP 9401 Wilshire Boulevard, Ninth Floor 2 Beverly Hills, California 90212-2974 3 Telephone (310) 273-6333 Facsimile (310) 859-2325 mkogan@ecilaw.com 4 5 Attorneys for Kennedy Funding, Inc. UNITED STATES DISTRICT COURT 6 NORTHERN DISTRICT OF CALIFORNIA 7 SAN FRANCISCO DIVISION 8 9 10 KENNEDY FUNDING, INC., a New Jersey Case No. C 09-01957 RS Corporation, 11 Plaintiff. ORDER ON STIPULATION TO DISMISS ENTIRE COMPLAINT INCLUDING ALL 12 COUNTER CLAIMS AND CLOSE CASE 13 NICHOLAS CHAPMAN, an individual; JIREH) EDUCATIONAL MINISTRIES, a California 14 Date: [No Hearing Required] non-profit corporation; NEWPORT AVALON INVESTORS, LLC, a California limited liability company; BRIAN D. EVANS, an Place: Courtroom 3, 17th Floor 15 Judge: The Honorable Richard Seeborg individual; MANCEBO CORPORATION, a 16 California Corporation; ARNE WAGNER, an 17 individual; LAWRENCE S. THAL, an individual; REDGE MARTIN, an individual; VANGUARD FINANCIAL LTD., and DOES 1 18 through 50, Inclusive, 19 Defendants. NEWPORT AVALON INVESTORS, LLC, a 20 California corporation, 21 Counter-Claimant, 22 v. 23 KENNEDY FUNDING, INC., a New Jersey 24 corporation, Counterclaim-Defendant. 25 26 27 28 IDOCS:12416.9:1290575.1 ORDER ON STIPULATION TO DISMISS ENTIRE COMPLAINT INCLUDING ALL COUNTER CLAIMS AND

ORDER ON STIPULATION TO DISMISS ENTIRE COMPLAINT INCLUDING ALL COUNTER CLAIMS AND CLOSE CASE ARNE WAGNER, an individual; LAWRENCE) S. THAL, an individual; REDGE MARTIN, an individual; and WAYNE REPICH, an individual: Counterclaimants KENNEDY FUNDING, INC., a New Jersey corporation, Counterclaim-defendant.

WHEREAS, the Court having reviewed the Stipulation to Dismiss Entire Complaint
Including All Counter Claims (the "Stipulation") entered into by and among Kennedy Funding,
Inc. ("Kennedy" or "Plaintiff") and Nicholas Chapman ("Chapman"), JIREH Educational
Ministries, Inc. ("JIREH"), Newport Avalon Investors LLC ("Newport", together with JIREH and
Chapman, the "Chapman Defendants"), Lawrence S. Thal ("Thal"), Arne Wagner ("Wagner"),
Redge Martin ("Martin"), Wayne Repich ("Repich"), Vanguard Financial Ltd. ("Vanguard,"
together with Thal, Wagner, Martin and Repich, the "Vanguard Defendants"), Brian D. Evans
("Evans") and Mancebo Corporation ("Mancebo," together with Evans, the "Mechanics Lien
Defendants") (the Chapman Defendants, Vanguard Defendants, and the Mechanics Lien
Defendants are the "Defendants" and the Defendants and the Plaintiff are the "Parties"), in which
the Parties agreed as follows:

- A. Dismiss Kennedy's second amended complaint (the "Complaint").
- B. Dismiss Newport's Counter Claims Against Kennedy Funding Inc. (the "Newport Counter Claims").
 - C. Dismiss the Vanguard Defendants Counterclaim (the "Vanguard Counter Claims").
- D. All Parties wish to avoid the expenditure of further costs and attorneys' fees to pursue their respective claims and defenses and have agreed to dismiss the Complaint, Newport Counter Claims and the Vanguard Counter Claims in its entirety, and all other matters concerning IDOCS:12416.9:1290575.1

ORDER ON STIPULATION TO DISMISS ENTIRE COMPLAINT INCLUDING ALL COUNTER CLAIMS AND CLOSE CASE

the Complaint.

IT IS HEREBY ORDERED that:

- 1. The entire Complaint, Newport Counter Claims and the Vanguard Counter Claims, including all counter claims is dismissed, such that this case will be closed by the Court.
 - 2. The Parties are each responsible for their own respective attorneys' fees and costs.
- 3. Nothing herein shall extinguish, prejudice or affect any claims or rights that the Vanguard Defendants, or any of them, have or may have against the Chapman Defendants or any of them.

Dated: 11/3/11

RICHARD SEEBORG

United States District Court Judge

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