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9 Attorneys for Plaintiff Marathon Racing, Inc., a  
Delaware Corporation

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 MARATHON RACING, INC., a Delaware  
13 Corporation,  
14 Plaintiff,  
15 vs.  
16 OCEANS WEST MARINE & INDUSTRIAL  
17 SUPPLY, INC., a California Corporation; and  
ZODIAC OF NORTH AMERICA, INC., a  
18 Delaware Corporation,  
19 Defendants.

Case No. C-09-4253 MEJ  
**STIPULATION AND ~~PROPOSED~~  
ORDER OF DISMISSAL**

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

20  
21  
22 In light of the settlement reached between Plaintiff Marathon Racing, Inc. (“Marathon  
23 Racing”) and Defendant Oceans West Marine & Industrial Supply, Inc. (“Oceans West”) at the  
24 March 3, 2010 Settlement Conference, and this Court’s May 24, 2010 “Order re Dismissal,” the  
25 parties stipulate pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) to a dismissal of this  
26 entire action, with each party bearing its own attorneys’ fees and costs.

1 In the event Marathon Racing and Oceans West are unable to agree on the final terms of a  
2 Release and Assignment of Rights, Marathon Racing reserves the right to move for an order re-  
3 opening this matter.

4  
5 IT IS SO STIPULATED

6  
7 DATED: June 3, 2010.

8 REED SMITH LLP

9  
10 By           /s/ James Neudecker            
11 James M. Neudecker  
12 Attorneys for Plaintiff Marathon Racing, Inc., a  
13 Delaware Corporation

14  
15 DATED: June 3, 2010.

16 BRAGG & KULIVA

17  
18 By           /s/ Kenneth Dzieszinski            
19 Kenneth L. Dzieszinski  
20 Attorneys for Defendant Oceans West Marine &  
21 Industrial Supply, Inc.

22  
23 DATED: June 3, 2010.

24 NILAN JOHNSON LEWIS

25  
26 By           /s/ Christine M. Mennen            
27 Christine M. Mennen  
28 Attorneys for Defendant Zodiac of North America,  
Inc.

IT IS SO ORDERED

DATED: June 3, 2010  
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The Honorable Maria-Elena-James