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 DOLLAR TREE STORES, INC.

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 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

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 18 DOLLAR TREE STORES, INC.,  
 Plaintiff,

19 v.

20 TOYAMA PARTNERS, LLC, and  
 21 COMERICA BANK,  
 22 Defendants.

Case No. CV-10-0325 SI

**STIPULATION FOR REMOVAL OF  
 INCORRECTLY FILED DOCUMENT**

Department: 10  
 Judge: Honorable Susan Illston

Complaint filed: January 22, 2010  
 Trial Date: October 17, 2011

1 Plaintiff Dollar Tree Stores, Inc. (“Dollar Tree”) and Defendant Toyama Partners, LLC  
2 (“Toyama”) (collectively, the “Parties”), by their undersigned counsel, file the following  
3 Stipulation for Removal of Incorrectly Filed Document, stating as follows:

4 1. Defendant Comerica Bank (“Comerica”) produced the Amended and Restated Operating  
5 Agreement of Toyama Partners LLC (“Operating Agreement”) during the course of this  
6 litigation.

7 2. The Operating Agreement contained the Social Security numbers belonging to certain  
8 investor members. Comerica did not redact the Social Security numbers contained in the  
9 Operating Agreement or designate the Operating Agreement as confidential.

10 3. On February 25, 2011, Dollar Tree filed its Reply in Further Support of Motion to File  
11 Second Amended Complaint [Document No. 147]. The Operating Agreement was attached as  
12 Exhibit 5 to the Reply in Further Support of Motion to File Second Amended Complaint and  
13 contained the Social Security numbers.

14 4. On March 8, 2011, Toyama contacted Dollar Tree, requesting the redaction of the Social  
15 Security numbers contained in Exhibit 5 from Document No. 147.

16 5. On March 9, 2011, a redacted version of Exhibit 5 was filed with the Court.

17 6. The Parties file this Stipulation for Removal of Incorrectly Filed Document in order to  
18 remove Exhibit 5 from Document No. 147 and replace it with the redacted version.  
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21 For the foregoing reasons, the Parties respectfully request that the Court grant this  
22 Stipulation for Removal of Incorrectly Filed Document.

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Dated: March 10, 2011

FOX ROTHSCHILD LLP  
HOFHEIMER GARTLIR & GROSS, LLP

/s/ Jay D. Marinstein  
JAY D. MARINSTEIN  
Attorneys for Plaintiff  
DOLLAR TREE STORES, INC.

Dated: March 10, 2011

REHON & ROBERTS  
  
/s/ Lisa C. Roberts  
LISA C. ROBERTS  
Attorneys for Defendant  
TOYAMA PARTNERS, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Honorable Susan Illston  
U.S. District Court Judge  
Northern District of California



Dated: March 11, 2011

**CERTIFICATE OF SERVICE**

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I hereby certify that on this 10th day of March, 2011, a true and correct copy of the foregoing Stipulation for Removal of Incorrectly Filed Document was filed in accordance with the Court’s electronic filing procedures. I further certify that, as a result of such electronic filing, a copy of the above-mentioned document was served upon all counsel of record.

By:  /s/ Jay D. Marinstein  
Jay D. Marinstein